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ABSTRACT

This publication is a compilation of various bills and other measures related to education that were considered by the second regular session of the 43rd Idaho Legislature. It is intended primarily to serve as a useful reference for school board members, educational administrators, and other individuals involved in education in the state of Idaho. Included are complete texts (with amendments) of 64 bills, resolutions, and appropriations measures. Measures are listed by bill number and title and are indexed by subject matter. (JG)

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SCHOOL LAWS

IDAHO LEGISLATURE

FORTY-THIRD LEGISLATURE

SECOND REGULAR SESSION

Compiled by
Legislative Committee
STATE DEPARTMENT OF EDUCATION

BEST COPY AVAILABLE

1976

Roy Truby
State Superintendent
of Public Instruction

ED125754
EA 008 308

SCHOOL LAWS

IDAHO LEGISLATURE

FORTY-THIRD LEGISLATURE

SECOND REGULAR SESSION

THE IDAHO STATE BOARD OF EDUCATION

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PREFACE

Following each session of the Legislature, the State Department of Education has traditionally held post-legislative sessions to discuss the impact of legislation and its effect on Idaho school districts.

This booklet is a compilation of bills and other information which came before the Second Regular Session of the Forty-Third Legislature of the State of Idaho. We hope that it will be a useful reference for school boards, administrators and other education employees who have responsibility for educating children in Idaho.

Roy Truby

Roy Truby
State Superintendent
of Public Instruction

TABLE OF CONTENTS

BILL NO.	BRIEF TITLE	PAGE
PRINTED BILLS		
H.B. 562	Public Employees' Liability	1
H.B. 564	Comprehensive Liability Plan	7
H.B. 640	Child Protective Act	10
H.B. 345AA	Interstate Compact, Placement of Children	23
S.B. 1455AA	Education, Board, Per Diem	29
H.B. 517	Students, Expulsion and Suspension	30
S.B. 1329	School District, Board Meetings, Open	33
S.B. 1327AA	Schools, Student Discipline	34
H.B. 527	Teachers, Contracts, Signed Receipt	35
H.B. 433	Financial Statements, Date	37
H.B. 408	Mines, Mineral Royalties	41
H.B. 526	Schools, Average Daily Attendance	43
S.B. 1360	Schools, Sick Leave, Personnel	44
H.B. 467	Students, Transfer, Tuition	46
H.B. 437	Driver Training, Reimbursement	48
S.B. 1241	Transportation, School Buses, Lease	49
S.B. 1328	Schools, Fire Escapes/Drills	50
H.B. 668	Bond Election and Mill Levy Contests	51
H.B. 375	Insurance, Group Life	53
H.B. 330	Salaries, Rates, Minimum Established	55
S.B. 1359AA	School Students, Work Training	57
S.B. 1389AA	School Students, Work Training, Employment Security	58
H.B. 357	Drivers' Licenses, Resident Defined	63
H.B. 479AA	Social Workers, Licensing	64
S.B. 1312	Retirement, Public Employees	72
H.B. 381AA	Counties, Board of Equalization	81
S.B. 1321	Taxing Districts, Adopted Budgets	83
S.B. 1273	Taxing Districts, Maps, Tax Code System	84
S.B. 1416	Tax, Income, State, Contributions	86
H.B. 532	Legislative Sessions, Day of Convening	88
S.B. 1265	Employees, State Incentive Award	89
H.B. 340AA	Insurance, Unemployment, Unpaid Contributions	92
BRIEFED BILLS		
H.B. 344	Annual Report, State Agencies	94
H.B. 343	Employment Security Benefits	94
H.B. 420	Cities/Counties, Fiscal Year, Cash Basis Accounting	94
H.B. 468	Tax, Energy Devices	94
APPROPRIATIONS		
H.B. 486AA	County School Fund	95
S.B. 1420	Foundation Program	96
S.B. 1480	Public School Employees' Retirement	97
H.B. 731	State Department of Education	98

BILL NO.	BRIEF TITLE	PAGE
APPROPRIATIONS, CONT.		
H.B. 698	Office of State Board of Education	101
H.B. 739	State Board of Education	103
S.B. 1536	Colleges and Universities	104
H.B. 708	Special Program, University of Idaho	106
S.B. 1515	Family Practice Medicine	109
H.B. 676	Medical Education, University of Utah	110
S.B. 1531	Permanent Building Fund	111
H.B. 677	School for the Deaf and the Blind	113
H.B. 707	Vocational Education	114
H.B. 690	Vocational Rehabilitation	115
H.B. 687	State Library Board and State Historical Society	116
H.B. 710	Roof Repairs	118
H.B. 733	General Fund Surplus, University of Idaho	119
H.B. 740	General Fund Surplus, Land Purchases	120
H.B. 480	FY 1976 Appropriation Adjustment, Historical Society	121
H.B. 529	FY 1976 Appropriation Adjustment, Colleges and Universities	123
H.B. 432	FY 1976 Appropriation Adjustment, Office of State Board of Education	124
S.B. 1545	FY 1976 Appropriation Adjustment, Idaho State University	126
S.B. 1551	FY 1976 Appropriation Adjustment, Boise State University, etc.	127
MEMORIALS AND RESOLUTIONS		
HCR 53	Revenue Projections - FY 1975 Surplus	129
HCR 54	Revenue Projections - FY 1977	130
SCR 128	Rejecting Certain Rules - Educational Leave With Pay	131
SCR 129	State Contribution to Health Insurance Plan	132
HJM 17	Employee Retirement Income Security Act	134
APPENDICES - Communications		
	Letter from Senator Barker to Tom Vopat and Alan Smith	A-1
	Letter from Senator Barker to Roy Truby	A-2

TABLE OF CONTENTS
Subject Listing

SUBJECT	BILL NO.	PAGE
APPROPRIATIONS		
Colleges and Universities	S.B. 1536	104
County School Fund	H.B. 486AA	95
Family Practice Medicine	S.B. 1515	109
Foundation Program	S.B. 1420	96
General Fund Surplus, Land Purchases	H.B. 733	119
General Fund Surplus, University of Idaho	H.B. 740	120
Medical Education, University of Utah	H.B. 676	110
Office of the State Board of Education	H.B. 698	101
Permanent Building Fund	S.B. 1531	111
Public School Employees Retirement	S.B. 1480	97
Roof Repairs	H.B. 710	118
School for the Deaf and the Blind	H.B. 677	113
Special Programs, University of Idaho	H.B. 708	106
State Board of Education Members	H.B. 739	103
State Department of Education	H.B. 731	98
State Library Board and Historical Society	H.B. 687	116
Vocational Education	H.B. 707	114
Vocational Rehabilitation	H.B. 690	115
APPROPRIATIONS, SUPPLEMENTAL		
Colleges and Universities	H.B. 529	123
FY Appropriation Adjustment, Boise State University	S.B. 1551	127
FY Appropriation Adjustment, Idaho State University	S.B. 1545	126
Historical Society	H.B. 480	121
Office of the State Board of Education	H.B. 432	124
ATTENDANCE		
Decrease in Average Daily Attendance	H.B. 526	43
Denial of School Attendance	H.B. 517	30
Executive Sessions on Attendance and Discipline	S.B. 1327AA	34
BOARD MEETINGS		
Annual Meetings - Regular Meetings	S.B. 1329	33
Executive Sessions - When Authorized	S.B. 1327AA	34
BUDGETS		
Filing Copy of Budget	S.B. 1321	83
BUSES		
Leasing of School Buses to Nonprofit Organizations	S.B. 1241	49
CHILDREN		
Child Protective Act	H.B. 640	10
Interstate Compact on the Placement of Children	H.B. 346AA	23
CITIES		
Fiscal Year and Cash Basis Accounting	H.B. 420	94

SUBJECT	BILL NO.	PAGE
CONTRACTS		
Delivery of Contract to Professional Personnel	H.B. 527	35
Professional Personnel - Principals	H.B. 517	30
COUNTIES		
Fiscal Year and Cash Basis Accounting	H.B. 420	94
Time of Assessment - Assessment Roll	H.B. 381AA	81
DRIVERS AND DRIVER TRAINING		
Driver Training Reimbursement	H.B. 437	48
Nonresident - Resident	H.B. 357	63
ELECTIONS		
Bond Election and Mill Levy Contests	H.B. 668	51
EMPLOYEES AND EMPLOYMENT		
Contracts for Professional Employees	H.B. 527	35
Employment of Principals	H.B. 517	30
Employment Security Payments	H.B. 343	94
Minimum Wages	H.B. 330	55
Retirement	S.B. 1312	71
State Employee Incentive Awards	S.B. 1265	89
ENERGY		
Alternative Devices, Tax Incentives	H.B. 468	94
EXECUTIVE SESSIONS		
When Authorized	S.B. 1327AA	34
EXPULSION		
Denial of School Attendance by Expulsion	H.B. 517	30
FINANCE		
Decrease in Weighted Average Daily Attendance	H.B. 526	43
Driver Education Reimbursement	H.B. 437	48
Foundation Program Appropriation	S.B. 1420	96
Publishing Financial Reports	H.B. 433	37
FIRE		
Escapes, Drills, Schools - 39-1903 Repealed	S.B. 1328	50
FOUNDATION PROGRAM		
Appropriation	S.B. 1420	96
Decrease in Weighted Average Daily Attendance	H.B. 526	43
Mineral Royalties	H.B. 408	41
INSURANCE		
Dependents' Coverage, Group Life	H.B. 375	53
Sick and Other Leave (Workmen's Compensation)	S.B. 1360	44
Unemployment Insurance, Interest on Unpaid Contributions	H.B. 340AA	91

SUBJECT	BILL NO.	PAGE
LEGISLATURE		
Sessions of Legislature	H.B. 532	88
LABOR		
Employees Exempt From Minimum Wage Law	S.B. 1359AA	57
Minimum Wages	H.B. 330	55
LIABILITY		
Comprehensive Liability Plan	H.B. 564	7
Public Employees' Liability	H.B. 562	1
MAPS AND LEGAL DESCRIPTIONS OF TAXING UNITS		
Uniform System	S.B. 1273	84
MINES AND MINERAL ROYALTIES		
Distribution of Funds	H.B. 408	41
PRINCIPALS		
Duties Relating to Denial of Attendance and Employment Contracts	H.B. 517	30
REPORTS		
Districts Publishing Annual Fiscal Report	H.B. 433	37
State Board Annual Report	H.B. 344	94
REVENUE PROJECTIONS		
Fiscal Year 1976 Surplus	HCR 53	129
Fiscal Year 1977	HCR 54	130
RETIREMENT		
Appropriation, Public School Employees	S.B. 1480	97
Memorial Relating to Employment Retirement Income Security Act	HJM 17	134
Public Employee Retirement System	S.B. 1312	71
SICK LEAVE		
Sick and Other Leave	S.B. 1360	44
STATE BOARD OF EDUCATION		
Annual Report	H.B. 344	94
Honorarium	S.B. 1455AA	29
SOCIAL WORK		
Licensing Act	H.B. 479AA	64
STUDENTS		
Denial of School Attendance	H.B. 517	30
Discipline and Attendance Deliberations	S.B. 1327AA	34
Exempt From Employment Security Act When in Work Study Program	S.B. 1389AA	58

SUBJECT	BILL NO.	PAGE
STUDENTS, CONT.		
Exempt From Minimum Wage Law - Work Study Program	S.B. 1359AA	57
Transfer and Tuition	H.B. 467	46
SUPERINTENDENT, DISTRICT		
Evaluation by Board - Executive Session	S.B. 1327AA	34
SUSPENSION		
Denial of School Attendance, Temporary	H.B. 517	30
TAX AND TAXATION		
County Levy Reduction 1976	H.B. 486AA	95
Income Tax Credit	S.B. 1415	86
Legal Descriptions and Maps of Taxing Units	S.B. 1273	84
Time of Assessment	H.B. 381AA	81
TEACHERS		
Contract Delivered, Signed Receipt	H.B. 527	35
Sick and Other Leave	S.B. 1360	44
Social Workers Licensing Act	H.B. 479AA	64
TRANSPORTATION		
Leasing of School Buses	S.B. 1241	49
TRUSTEES		
Annual Financial Report Publication	H.B. 433	37
Annual Meeting, Regular Meetings	S.B. 1329	33
Executive Sessions When Authorized	S.B. 1327AA	34
Leasing of School Buses	S.B. 1241	49
Transfer of Pupils	H.B. 467	46
TUITION		
Bills of Tuition	H.B. 467	46
WAGES		
Minimum Wages	H.B. 330	55
Students, Work Study Programs	S.B. 1359AA	57
WORK STUDY PROGRAMS		
Minimum Wage Exception	H.B. 467	46
Unemployment Compensation Exception	S.B. 1389AA	58

SECTIONS OF IDAHO CODE RELATING TO PUBLIC SCHOOLS
AMENDED BY SECOND REGULAR SESSION OF
FORTY-THIRD LEGISLATURE

Code Amended		Title	Bill Which Amends Section	Page
Title	Chapter			
6	9	Tort Claims Against Govt. Agencies	H.B. 562	1
6	9	Tort Claims Against Govt. Agencies	H.B. 564	7
16	16	Child Protective Act	H.B. 640	10
16	21	Interstate Compact on the Placement of Children	H.B. 346AA	23
33	1	State Board of Education		
33-104		Meetings of Board - Honorariums - Expenses - Organization	S.B. 1455	29
33-109		Annual Report	H.B. 344	94
33	2	Attendance at Schools		
33-205		Denial of School Attendance	H.B. 517	30
33	5	District Trustees		
33-510		Annual Meetings - Regular Meetings - Boards of Trustees	S.B. 1329	33
33-513		Professional Personnel	H.B. 517	30
33-513		Professional Personnel	H.B. 527	35
33	7	Fiscal Affairs of School District		
33-701		Fiscal Year - Payment and Accounting of Funds	H.B. 433	37
33	9	School Funds		
33-903		Public School Income Fund	H.B. 408	41
33	10	Foundation Program - State Aid - Apportionment		
33-1009A		Decrease in Weighted Average Daily Attendance	H.B. 526	43
33	12	Teachers		
33-1216		Sick and Other Leave	S.B. 1360	44
33	14	Transfer of Pupils		
33-1402		Transfer of Pupils From Home District by Application (Repealed)	H.B. 467	46
33-1403		Transfer of Pupils by Initiative of the Board of Trustees	H.B. 467	46
33-1406		Bills of Tuition	H.B. 467	46
33	15	Transportation of Pupils		
33-1512		Leasing of School Buses to Nonprofit Organizations	S.B. 1241	49

Code Amended		Title	Bill Which Amends	Section	Page
Title	Chapter				
33	17	Driver Training Courses			
33-1707		Reimbursement - Determination - Certification	H.B.	437	48
33	22	Vocational Education			
33-2206		Reports	H.B.	344	94
33	23	Vocational Rehabilitation - Federal Aid			
33-2306		Report of State Board	H.B.	344	94
34	20	Election Contests Other Than Legislative and State Executive Offices			
34-2001A		Bond Election and Mill Levy Contests	H.B.	668	51
39	19	Fire Escapes and Doors			
39-1903		Application of Chapter to School Districts - School Houses Covered - Inspection - Drills (Repealed)	S.B.	1328	50
41	20	Group Life Insurance			
41-2009		Dependents' Coverage	H.B.	375	53
44	15	Minimum Wage Law			
44-1502		Mimimum Wages	H.B.	330	55
44-1504		Employees Exempt From Provisions of Act	S.B.	1359AA	57
44-1506		Apprentice	S.B.	1359AA	57
44-1508		Enforcement	H.B.	330	55
44-1509		Discharging or Discriminating Against Employee's Asserting Rights Under Mimimum Wage Law Prohibited	H.B.	330	55
44-1510		Employees' Remedies (Repealed)	H.B.	330	55
49	3	Operator's and Chauffeur's Licenses			
49-304		Nonresident - Resident	H.B.	357	63
50	10	Finances			
		Various Chapters of Code Amended	H.B.	420	94
54	32	Social Workers' Licensing Act	H.B.	479AA	64
57	13	Forest Reserve Funds			
57-1306		Mining Leases Impact Funds to County	H.B.	408	41
59	13	Public Employees Retirement System			
		Various Sections of Code Amended	S.B.	1312	71
63	3	Assessment of Real Property			
63-306		Time of Assessment - Assessment Roll	H.B.	381AA	81

Code Amended		Title	Bill Which Amends Section	Page
Title	Chapter			
63	6	Equalization of Assessments by State Tax Commission		
63-624A		Filing Copy of Budget	S.B. 1321	71
63	22	Miscellaneous Provisions of Tax Law		
63-2215		Legal Description and Map of Boundaries of Newly Organized or Altered Taxing Units to be Filed with the County Recorder, County Assessor and State Tax Commission	S.B. 1273	84
63	30	Income Tax		
63-3029A		Income Tax Credit for Charitable Contributions - Limitation	S.B. 1416	86
63-3022B		Deduction for Insulation of Residences	H.B. 468	94
63-3022C		Deduction for Alternative Energy Devices at Residences	H.B. 468	94
67	4	Legislature		
67-404		Sessions of the Legislature	H.B. 532	88
67	23	Miscellaneous Provisions		
67-2345		Executive Sessions - When Authorized	S.B. 1327AA	34
67	26	Department of Self-Governing Agencies		
67-2601		Department Created - Organization - Director - Bureau of Occupational Licenses Created	H.B. 479AA	64
67	61	State Employee Incentive Awards	S.B. 1265	89
72	13	Employment Security Law		
		Various Sections Amended	H.B. 343	94
72-1316		Covered Employment	S.B. 1389AA	58
72-1354		Interest on Unpaid Contributions	H.B. 340AA	91
72-1360		Liens	H.B. 340AA	91

EFFECTIVE DATE OF LEGISLATION

Section 67-510, Idaho Code, addressed the subject of effective date of statutes and resolutions. This section of the Code is quoted for informational purposes.

> 67-510. Statutes and resolutions--When effective.--No act shall take effect until July 1 of the year of the regular session or sixty (60) days from the end of the session at which the same shall have been passed, whichever date occurs last, except in case of emergency, which emergency shall be declared in the preamble or body of the law.
>
> Every joint resolution, unless a different time is prescribed therein, takes effect from its passage.

IN THE HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 562
BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO PUBLIC EMPLOYEES' LIABILITY; PROVIDING A LEGISLATIVE DECLARATION OF PURPOSE; AMENDING SECTION 6-902, IDAHO CODE, TO REVISE THE DEFINITION OF "CLAIM"; REPEALING SECTION 6-903, IDAHO CODE; ADDING A NEW SECTION 6-903, IDAHO CODE, PROVIDING WHEN A GOVERNMENTAL ENTITY IS SUBJECT TO LIABILITY FOR MONEY DAMAGES FOR THE ACTS OR OMISSIONS OF ITS EMPLOYEES, REQUIRING THE GOVERNMENTAL ENTITY TO PROVIDE A CIVIL DEFENSE TO ITS EMPLOYEES EXCEPT UNDER CERTAIN CIRCUMSTANCES, AND ESTABLISHING A REBUTTABLE PRESUMPTION; AMENDING SECTION 6-905, IDAHO CODE, PROVIDING FOR FILING OF CLAIMS AGAINST STATE EMPLOYEES; AMENDING SECTION 6-906, IDAHO CODE, PROVIDING FOR FILING OF CLAIMS AGAINST EMPLOYEES OF POLITICAL SUBDIVISIONS; AMENDING SECTION 6-908, IDAHO CODE, REGARDING THE ALLOWANCE OF CLAIMS AGAINST PUBLIC EMPLOYEES; AMENDING SECTION 6-909, IDAHO CODE, PROVIDING THE TIME FOR ALLOWANCE OR DENIAL OF CLAIMS AGAINST PUBLIC EMPLOYEES; AMENDING SECTION 6-910, IDAHO CODE, PROVIDING FOR SUIT AGAINST PUBLIC EMPLOYEES UPON DENIAL OF CLAIM; AMENDING SECTION 6-911, IDAHO CODE, PROVIDING A TWO-YEAR LIMITATION OF ACTIONS AGAINST PUBLIC EMPLOYEES; AMENDING SECTION 6-915, IDAHO CODE, PROVIDING FOR VENUE OF ACTIONS AGAINST PUBLIC EMPLOYEES; AMENDING SECTION 6-916, IDAHO CODE, PROVIDING FOR SERVICE OF SUMMONS AND COMPLAINT IN ACTIONS AGAINST PUBLIC EMPLOYEES; AMENDING SECTION 6-918, IDAHO CODE, DISALLOWING PUNITIVE DAMAGES AGAINST PUBLIC EMPLOYEES; AMENDING SECTION 6-924, IDAHO CODE, EXTENDING POLICY LIMITS TO PUBLIC EMPLOYEES; AMENDING SECTION 6-926, IDAHO CODE, EXTENDING REDUCTIONS OF EXCESS JUDGMENTS TO PUBLIC EMPLOYEES; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. The legislature of the state of Idaho hereby finds and declares that exposure of public employees to claims and civil lawsuits for acts or omissions within the course or scope of their employment has a chilling effect upon the performance of their employment duties and is an obstacle to the discharge of public business. It is the declared intention of the state of Idaho to relieve public employees from all necessary legal fees and expenses and judgments arising from such claims and civil lawsuits unless the act or omission complained of includes malice or criminal intent. The legislature further declares that the expenditure of public moneys to this end is for a public purpose.

SECTION 2. That Section 6-902, Idaho Code, be, and the same is hereby amended to read as follows:

6-902. DEFINITIONS. As used in this act:

1. "State" means the state of Idaho or any office, department, agency, authority, commission, board, institution, hospital, college, university or other instrumentality thereof.

2. "Political subdivision" means any county, city, municipal corporation, school district, special improvement or taxing district, or any other political subdivision or public corporation.

3. "Governmental entity" means and includes the state and political subdivisions as herein defined.

4. "Employee" means an officer, employee, or servant of a governmental entity, including elected or appointed officials, and persons acting on behalf of the governmental entity in any official capacity, temporarily or permanently in the service of the governmental entity, whether with or without compensation, but the term employee shall not mean a person or other legal entity while acting in the capacity of an independent contractor under contract to the governmental entity to which this act applies in the event of a claim.

5. "Bodily injury" means any bodily injury, sickness, disease or death sustained by any person and caused by an occurrence.

6. "Property damage" means injury or destruction to tangible property caused by an occurrence.

7. "Claim" means any ~~claim against a governmental entity, for money damages only, which any person is legally entitled to recover as damages because of bodily injury or property damage caused by a negligent or wrongful act or omission committed by any employee of the governmental entity while acting within the scope of his employment, under circumstances where the governmental entity, if a private person, would be liable to the claimant for such damages under the laws of the state of Idaho~~ written demand to recover money damages from a governmental entity or its employee which any person is legally entitled to recover under this act as compensation for the negligent or otherwise wrongful act or omission of a governmental entity or its employee when acting within the course or scope of his employment.

SECTION 3. That Section 6-903, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Chapter 9, Title 6, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 6-903, Idaho Code, and to read as follows:

6-903. LIABILITY OF GOVERNMENTAL ENTITIES -- DEFENSE OF EMPLOYEES. (a) Except as otherwise provided in this act, every governmental entity is subject to liability for money damages arising out of its negligent or otherwise wrongful acts of omissions and those of its employees acting within the course or scope of their employment or duties, whether

arising out of a governmental or proprietary function, where the governmental entity if a private person or entity would be liable for money damages under the laws of the state of Idaho.

(b) A governmental entity shall provide a defense to its employee and be responsible for the payment of any judgment on any claim or civil lawsuit against an employee for money damages arising out of any act or omission within the course or scope of his employment; provided, however, that the governmental entity shall not be required to do so when the claim or lawsuit arises from the operation, maintenance or use by the employee of an automobile which is owned by the employee or leased by the employee for personal or proprietary uses not associated with his employment by the governmental entity.

(c) The defense of its employee by the governmental entity shall be undertaken whether the claim and civil lawsuit is brought in Idaho district court under Idaho law or is brought in a United States court under federal law. The governmental entity may refuse a defense or disavow and refuse to pay any judgment for its employee at any time if it determines that the act or omission of the employee was not within the course or scope of his employment or included malice or criminal intent.

(d) A governmental entity shall not be entitled to contribution or indemnification, or reimbursement for legal fees and expenses from its employee unless a court shall find that the act or omission of the employee was outside the course or scope of his employment or included malice or criminal intent. Any action by a governmental entity against its employee and any action by an employee against the governmental entity for contribution, indemnification, or necessary legal fees and expenses shall be tried to the court in the same civil lawsuit brought on the claim against the governmental entity or its employee.

(e) For the purposes of this act and not otherwise, it shall be a rebuttable presumption that any act or omission by an employee within the time and place of his employment is within the course or scope of his employment and without malice or criminal intent.

(f) Nothing in this act shall enlarge or otherwise adversely affect the liability of an employee or a governmental entity. Any immunity or other bar to a civil lawsuit under Idaho or federal law shall remain in effect. The fact that a governmental entity may relieve an employee from all necessary legal fees and expenses and any judgment arising from the civil lawsuit shall not under any circumstances be communicated to the trier of fact in the civil lawsuit.

SECTION 5. That Section 6-905, Idaho Code, be, and the same is hereby amended to read as follows:

6-905. FILING CLAIMS AGAINST STATE OR EMPLOYEE -- TIME. All claims against the state arising under the provisions of this act and all claims against an employee of the state for any act or omission of the employee within the course or

scope of his employment shall be presented to and filed with the secretary of state within one hundred twenty (120) days from the date the claim arose or reasonably should have been discovered, whichever is later.

SECTION 6. That Section 6-906, Idaho Code, be, and the same is hereby amended to read as follows:

6-906. FILING CLAIMS AGAINST POLITICAL SUBDIVISION OR EMPLOYEE -- TIME. All claims against a political subdivision arising under the provisions of this act and all claims against an employee of a political subdivision for any act or omission of the employee within the course or scope of his employment shall be presented to and filed with the clerk or secretary of the political subdivision within one hundred twenty (120) days from the date the claim arose or reasonably should have been discovered, whichever is later.

SECTION 7. That Section 6-908, Idaho Code, be, and the same is hereby amended to read as follows:

6-908. RESTRICTION ON ALLOWANCE OF CLAIMS. No claim or action shall be allowed against a governmental entity or its employee unless the claim has been presented and filed within the time limits prescribed by this act.

SECTION 8. That Section 6-909, Idaho Code, be, and the same is hereby amended to read as follows:

6-909. TIME FOR ALLOWANCE OR DENIAL OF CLAIMS -- EFFECT OF FAILURE TO ACT. Within sixty (60) days after the filing of the claim against the governmental entity or its employee, the governmental entity shall act thereon and notify the claimant in writing of its approval or denial. A claim shall be deemed to have been denied if at the end of the sixty (60) day period the governmental entity has failed to approve or deny the claim.

SECTION 9. That Section 6-910, Idaho Code, be, and the same is hereby amended to read as follows:

6-910. SUIT ON DENIED CLAIMS PERMITTED. If the claim is denied, a claimant may institute an action in the district court against the governmental entity or its employee in those circumstances where an action is permitted by this act.

SECTION 10. That Section 6-911, Idaho Code, be, and the same is hereby amended to read as follows:

6-911. LIMITATION OF ACTIONS. Every claim against a governmental entity permitted under the provisions of this act or against is* employee shall be forever barred, unless an action is begun within two (2) years after the claim is filed with the governmental entity.

SECTION 11. That Section 6-915, Idaho Code, be, and the same is hereby amended to read as follows:

6-915. VENUE. Actions against the state or its employee shall be brought in the county in which the cause of action arose or in Ada County. In addition, a resident of the state of Idaho may bring an action in the county of his residence.

Actions against a political subdivision or its employee shall be brought in the county in which the cause of action arose or in any county where the political subdivision is

* (its) -- error in printed bill.

located.

SECTION 12. That Section 6-916, Idaho Code, be, and the same is hereby amended to read as follows:

6-916. STATE NAMED DEFENDANT -- SERVICE OF SUMMONS. In all actions against the state~~,-the-state-shall-be-named-the defendant,-and~~ or its employee the summons and complaint shall be served on the secretary of state.

SECTION 13. That Section 6-918, Idaho Code, be, and the same is hereby amended to read as follows:

6-918. NO PUNITIVE DAMAGES. Governmental entities and their employees shall not be liable for punitive damages on any claim allowed under the provisions of this act.

SECTION 14. That Section 6-924, Idaho Code, be, and the same is hereby amended to read as follows:

6-924. POLICY LIMITS -- MINIMUM REQUIREMENTS. Every policy or contract of insurance purchased by a political subdivision or the state department of insurance for the state or a political subdivision as permitted under the provisions of this act shall provide:

1. In respect to personal injury or death, exclusive of interest and costs, the insurance carrier shall pay on behalf of the insured governmental entity or its employee to a limit of not less than one hundred thousand dollars ($100,000) per person limited to three hundred thousand dollars ($300,000) in any one (1) accident where two (2) or more persons have claims or judgments.

2. In respect to damage or loss of property, the insurance carrier shall pay on behalf of the insured governmental entity or its employee to a limit of not less than one hundred thousand dollars ($100,000) because of damage or loss of property in any one (1) accident.

SECTION 15. That Section 6-926, Idaho Code, be, and the same is hereby amended to read as follows:

6-926. JUDGMENT OR CLAIM IN EXCESS OF INSURANCE -- REDUCTION BY COURT. If any judgment or claim against a governmental entity or its employee under this act exceeds one hundred thousand dollars ($100,000) for damage to property, the court shall reduce the amount of the judgment or claim to a sum equal to the one hundred thousand dollars ($100,000) minimum requirement unless the governmental entity has secured insurance coverage in excess of the minimum requirement in which event the court shall reduce the amount of the claim or judgment to a sum equal to the applicable limits provided in the insurance policy.

If any judgment or claim against a governmental entity or its employee under this act exceeds the one hundred thousand dollars ($100,000) per person limited to three hundred thousand dollars ($300,000) in any one (1) accident where two (2) or more persons have claims or judgments on account of personal injury or death, the court shall reduce the amount to the minimum requirement unless the governmental entity has secured insurance coverage in excess of the minimum requirement. In this event the court shall reduce the amount of the claim or judgment to a sum equal to the applicable limits provided in the insurance policy.

SECTION 16. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Passed by House 3/15/76
Passed by Senate 3/19/76
Signed by Governor 4/1/76

IN THE HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 564
BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO A COMPREHENSIVE LIABILITY PLAN FOR GOVERNMENTAL ENTITIES; AMENDING SECTION 6-919, IDAHO CODE, PROVIDING FOR A COMPREHENSIVE LIABILITY PLAN FOR THE STATE AND ITS EMPLOYEES; AMENDING SECTION 6-920, IDAHO CODE, PROVIDING THAT ALL STATE AGENCIES SHALL COMPLY WITH THE STATE COMPREHENSIVE LIABILITY PLAN; AMENDING SECTION 6-921, IDAHO CODE, APPORTIONING THE COST OF THE STATE COMPREHENSIVE LIABILITY PLAN; AMENDING SECTION 6-923, IDAHO CODE, ALLOWING POLITICAL SUBDIVISIONS TO OBTAIN NECESSARY LIABILITY INSURANCE FOR THEIR EMPLOYEES; AMENDING SECTION 6-924, IDAHO CODE, ALLOWING A COMPREHENSIVE LIABILITY PLAN; AMENDING SECTION 6-926, IDAHO CODE, ALLOWING A COMPREHENSIVE LIABILITY PLAN; AMENDING SECTION 6-927, IDAHO CODE, PROVIDING THAT POLITICAL SUBDIVISIONS MAY LEVY AN ANNUAL PROPERTY TAX TO PROVIDE A COMPREHENSIVE LIABILITY PLAN; AND AMENDING SECTION 6-928, IDAHO CODE, TO PROVIDE FOR A TAX LEVY BY A POLITICAL SUBDIVISION TO PAY ANY CLAIM OR JUDGMENT NOT PROVIDED FOR BY A COMPREHENSIVE LIABILITY PLAN.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 6-919, Idaho Code, be, and the same is hereby amended to read as follows:

6-919. LIABILITY INSURANCE FOR STATE -- COMPREHENSIVE PLAN BY RISK MANAGER IN THE DIVISION OF PURCHASING. The risk manager in the division of purchasing shall provide a comprehensive liability plan which will cover and protect the state and its employees from claims and civil lawsuits. He shall be responsible for the acquisition and administration of all liability insurance of the state or for the use of the retained risk fund provided in section 67-5757, Idaho code, to meet the obligations of the comprehensive liability plan.

The risk manager shall, after consultation with the departments, agencies, commissions, and other instrumentalities of the state, provide a comprehensive ~~insurance~~ liability plan for the state providing ~~insurance~~ liability coverage to the state and its employees in amounts not less than the minimum specified in section 6-924, Idaho Code, ~~and~~. He shall have the authority to use the retained risk fund provided in section 67-5757, Idaho Code, or to purchase, renew, cancel and modify all policies according to the comprehensive ~~insurance~~ liability plan.

SECTION 2. That Section 6-920, Idaho Code, be, and the same is hereby amended to read as follows:

6-920. LIABILITY INSURANCE FOR STATE PROCURED ONLY BY RISK MANAGER IN DIVISION OF PURCHASING. No state agency or

institution other than the risk manager in the division of purchasing may procure liability insurance under this act. All state agencies and institutions shall comply with this act and the ~~insurance~~ comprehensive liability plan developed by the risk manager of the division.

SECTION 3. That Section 6-921, Idaho Code, be, and the same is hereby amended to read as follows:

6-921. APPORTIONMENT OF COST OF STATE ~~INSURANCE~~ PLAN. The risk manager in the division of purchasing shall apportion the cost of ~~all insurance purchased~~ the comprehensive liability plan under this act to the individual agencies and institutions and the costs shall be paid to the department.

SECTION 4. That Section 6-923, Idaho Code, be, and the same is hereby amended to read as follows:

6-923. AUTHORITY OF POLITICAL SUBDIVISIONS TO PURCHASE INSURANCE. All political subdivisions of the state shall have the authority to purchase the necessary liability insurance for themselves and their employees.

SECTION 5. That Section 6-924, Idaho Code, be, and the same is hereby amended to read as follows:

6-924. POLICY LIMITS -- MINIMUM REQUIREMENTS. Every policy or contract of insurance ~~purchased by a political subdivision or the state department of insurance for the state or a political subdivision~~ or comprehensive liability plan of a governmental entity as permitted under the provisions of this act shall provide:

1. In respect to personal injury or death, exclusive of interest and costs, the insurance carrier shall pay on behalf of the insured governmental entity or its employee to a limit of not less than one hundred thousand dollars ($100,000) per person limited to three hundred thousand dollars ($300,000) in any one (1) accident where two (2) or more persons have claims or judgments.

2. In respect to damage or loss of property, the insurance carrier shall pay on behalf of the insured governmental entity or its employee to a limit of not less than one hundred thousand dollars ($100,000) because of damage or loss of property in any one (1) accident.

SECTION 6. That Section 6-926, Idaho Code, be, and the same is hereby amended to read as follows:

6-926. JUDGMENT OR CLAIM IN EXCESS OF ~~INSURANCE~~ COMPREHENSIVE LIABILITY PLAN -- REDUCTION BY COURT. If any judgment or claim against a governmental entity or its employee under this act exceeds one hundred thousand dollars ($100,000) for damage to property, the court shall reduce the amount of the judgment or claim to a sum equal to the one hundred thousand dollars ($100,000) minimum requirement unless the governmental entity has ~~secured insurance~~ provided liability coverage in excess of the minimum requirement in which event the court shall reduce the amount of the claim or judgment to a sum equal to the applicable limits provided in the insurance policy or provided under the comprehensive liability plan.

If any judgment or claim against a governmental entity

or its employee under this act exceeds the one hundred thousand dollars ($100,000) per person limited to three hundred thousand dollars ($300,000) in any one (1) accident where two (2) or more persons have claims or judgments on account of personal injury or death, the court shall reduce the amount to the minimum requirement unless the governmental entity has ~~secured insurance~~ provided liability coverage in excess of the minimum requirement. In this event the court shall reduce the amount of the claim or judgment to a sum equal to the applicable limits provided in the insurance policy or provided under the comprehensive liability plan.

SECTION 7. That Section 6-927, Idaho Code, be, and the same is hereby amended to read as follows:

6-927. TAX LEVY TO PAY ~~INSURANCE PREMIUMS~~ COMPREHENSIVE LIABILITY PLAN. Notwithstanding any provisions of law to the contrary, all political subdivisions shall have authority to levy an annual property tax in the amount necessary to pay ~~the premium for insurance~~ provide for a comprehensive liability plan whether by the purchase of insurance or otherwise as herein authorized, even though as a result of such levy the maximum levy as otherwise restricted by law is exceeded thereby; provided, that the revenues derived therefrom may not be used for any other purpose.

SECTION 8. That Section 6-928, Idaho Code, be, and the same is hereby amended to read as follows:

6-928. TAX LEVY TO PAY CLAIM OR JUDGMENT. Notwithstanding any provisions of law to the contrary and in the event there are no funds available, the political subdivision shall levy and collect a property tax, at the earliest time possible, in an amount necessary to pay a claim or judgment arising under the provisions of this act where the political subdivision has failed to purchase insurance or otherwise provide a comprehensive liability plan to cover a risk created under the provisions of this act.

Passed by House 3/15/76
Passed by Senate 3/19/76
Signed by Governor 4/1/76

IN THE HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 640
BY HEALTH AND WELFARE* COMMITTEE

AN ACT

CREATING A NEW CHILD PROTECTIVE ACT; REPEALING CHAPTER 16, TITLE 16, IDAHO CODE; ADDING A NEW CHAPTER 16, TITLE 16, IDAHO CODE, STATING POLICY; DEFINING TERMS; ESTABLISHING JURISDICTION OF THE COURTS; PROVIDING FOR RETAINED JURISDICTION OVER CHILDREN; PROVIDING FOR A PETITION TO INVOKE JURISDICTION OF THE COURT; PROVIDING FOR SUMMONS; PROVIDING FOR SERVICE OF SUMMONS, TRAVEL EXPENSES, NECESSARY WITNESSES, CONTEMPT, AND ISSUANCE OF A WARRANT; PROVIDING FOR AN ADJUDICATORY HEARING AND THE CONDUCT THEREOF; AUTHORIZING INVESTIGATIONS; PROVIDING FOR A DECREE AND OTHER DISPOSITION; PROVIDING FOR REVOCATION OR MODIFICATION OF ORDERS; PROVIDING FOR TAKING INTO CUSTODY AND A HEARING ON THE ISSUE; PROVIDING FOR THE PROCEDURE AFTER A CHILD IS TAKEN INTO CUSTODY; PROVIDING FOR A SHELTER CARE HEARING; PROVIDING FOR TERMINATION OF THE PARENT-CHILD RELATIONSHIP; ESTABLISHING THE PROCEDURE FOR AUTHORIZATION OF EMERGENCY MEDICAL TREATMENT; PROVIDING FOR APPEALS AND THEIR EFFECT ON CUSTODY; GIVING RIGHT TO COUNSEL; REQUIRING REPORTING OF CASES OF PHYSICAL INJURY TO CHILDREN CAUSED BY PARENTS; GRANTING IMMUNITY FOR REPORTING; PROVIDING FOR COURT RECORDS; REQUIRING SUPPORT OF A COMMITTED CHILD; GIVING THE DEPARTMENT OF HEALTH AND WELFARE RESPONSIBILITY UNDER THE ACT AND ESTABLISHING A CENTRAL REGISTRY; APPLYING THE ADMINISTRATIVE PROCEDURES ACT; PROVIDING FOR LIBERAL CONSTRUCTION; STATING THE SHORT TITLE; AND PROVIDING SEVERABILITY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 16, Title 16, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Title 16, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 16, Title 16, Idaho Code, and to read as follows:

16-1601. POLICY. The policy of the State of Idaho is hereby declared to be the establishment of a legal framework conducive to the judicial processing of child neglect, abuse and abandonment and neglect cases, and the protection of children whose life, health or welfare is endangered. Each child coming within the purview of this act shall receive, preferably in his own home, the care, guidance and control that will promote his welfare and the best interest of the state of Idaho, and if he is removed from the control of his parents, guardian or other custodian, the state shall secure

* (Welfare)--error in printed bill.

adequate care for him. This act seeks to coordinate efforts by state and local public agencies, in cooperation with private agencies and organizations, citizens' groups, and concerned individuals, to:

(1) preserve the privacy and unity of the family whenever possible;

(2) take such actions as may be necessary and feasible to prevent the abuse, neglect or abandonment of children.

16-1602. DEFINITIONS. For purposes of this act:

(a) "Abused" means any case in which a child has been the victim of conduct resulting in skin bruising, bleeding, malnutrition, sexual molestation, burns, fracture of any bone, subdural hematoma, soft tissue swelling, failure to thrive or death, and such condition or death is not justifiably explained, or where the history given concerning such condition or death is at variance with the degree or type of such condition or death, or the circumstances indicate that such condition or death may not be the product of an accidental occurrence.

(b) "Abandoned" means the failure of the parent to maintain a normal parental relationship with his child, including but not limited to reasonable support or regular personal contact. Failure to maintain this relationship without just cause for a period of one (1) year shall constitute prima facie evidence of abandonment.

(c) "Adjudicatory hearing" means a hearing to determine the truth of the allegations in the petition filed under this act.

(d) "Authorized agency" means the department of health and welfare or a local agency, or a person, organization, corporation, benevolent society or association licensed or approved by the department or the court to receive children for control, care, maintenance or placement.

(e) "Child" means an individual who is under the age of eighteen (18) years.

(f) "Commit" means to transfer legal and physical custody.

(g) "Court" means district court or magistrate's division thereof, or if the context requires, a magistrate or judge thereof.

(h) "Custodian" means a person, other than a parent or legal guardian, to whom legal custody of the child has been given by court order or who is acting in loco parentis.

(i) "Department" means the department of health and welfare and its authorized representatives.

(j) "Disposition hearing" means a hearing to determine whether the best interests of the child require protective supervision or vesting legal custody of the child in an authorized agency.

(k) "Law enforcement agency" means a city or village police department, the prosecuting attorney of any county, state law enforcement officers, or the office of a sheriff of any county.

(l) "Legal custody" means a relationship created by order of the court, which vests in a custodian the following duties and rights:

(1) To have physical custody and control of the child, and to determine where and with whom he shall live.
(2) To supply the child with food, clothing, shelter and incidental necessities.
(3) To provide the child with care, education and discipline.
(4) To authorize ordinary medical, dental, psychiatric, psychological, or other remedial care and treatment for the child; and to authorize surgery if the surgery is deemed by two (2) physicians licensed to practice in this state to be necessary for the child.
(m) "Minor" means an individual who is under eighteen (18) years of age.
(n) "Neglected child" means a child:
(1) Who is without proper parental care and control, or subsistence, education, medical or other care or control necessary for his well-being because of the conduct or omission of his parents, guardian or other custodian or their neglect or refusal to provide them; provided, however, no child whose parent or guardian chooses for such child treatment by prayers through spiritual means alone in lieu of medical treatment, shall be deemed for that reason alone to be neglected or lack parental care necessary for his health and well-being, but further provided this subsection shall not prevent the court from acting pursuant to section 16-1616, Idaho Code; or
(2) whose parents, guardian or other custodian are unable to discharge their responsibilities to and for the child because of incarceration, hospitalization, or other physical or mental incapacity; or
(3) who has been placed for care or adoption in violation of law.
(o) "Protective supervision" means a legal status created by court order in neglect and abuse cases whereby the minor is permitted to remain in his home under supervision by the department.
(p) "Residual parental rights and responsibilities" means those rights and responsibilities remaining with the parent after the transfer of legal custody, including but not necessarily limited to the right of visitation, consent to adoption, the right to determine religious affiliation, and the responsibility for support.
(q) "Shelter care" means places designated by the department for temporary care of children pending court disposition or placement.
16-1603. JURISDICTION OF THE COURTS. Except as otherwise provided herein, the court shall have exclusive original jurisdiction in proceedings concerning any child living or found within the state;
(a) who is neglected, abused or abandoned by his parents, guardian or other legal custodian, or who is homeless; or
(b) whose parent or other legal custodian fails to provide a stable home environment. In considering the child's home environment, the court shall determine if the parent or other legal custodian is unable to provide such environment

by reason of immaturity or emotional mental, or physical disability.

16-1604. RETENTION OF JURISDICTION. Jurisdiction obtained by the court under this act shall be retained until the child becomes eighteen (18) years of age, unless terminated prior thereto.

16-1605. PETITION. (a) A petition invoking the jurisdiction of the court under this act shall be filed in the manner provided in this section:

(1) The department, upon satisfying itself that action is necessary which it cannot provide pursuant to section 16-1621, Idaho Code, it shall refer the matter to the prosecutor or attorney general. A petition must be signed by the prosecutor or attorney general before being filed with the court.

(2) Any person or governmental body of this state having evidence of abuse, abandonment, or neglect of a child may request the attorney general or prosecuting attorney to file a petition.

(b) Petitions shall be entitled "In the Matter of _____, a child under the age of eighteen (18) years" and shall set forth with specificity:

(1) The facts which bring the child within the provisions of this act, which facts shall be verified by the complainant;

(2) The name, birthdate, sex and residence address of the child;

(3) The names and residence addresses of his parents, guardian or other custodian. If neither of his parents, guardian or other custodian resides or can be found within the state, or if their residence addresses are unknown, the name of any known adult relative residing within the state.

(4) Whether the child is in shelter care, and, if so, the place of the shelter care, the circumstances necessitating such care and the date and time he was placed in such care.

(5) When any of the facts required by this section cannot be determined, the petition shall so state. The petition may be based on information and belief but in such case the petition shall state the source of such information and belief.

16-1606. SUMMONS. (a) After a petition has been filed, the court shall issue a summons requiring the person or persons who have custody of the child to appear personally and bring the child before the court at the adjudicatory hearing held in accordance with section 16-1608, Idaho Code. If the person or persons so summoned shall be other than the parent or guardian of the child, then the parent or guardian shall also be notified in the manner hereinafter provided of the pendency of the case and the time and place set for the hearing. A summons may be issued requiring the appearance of any other person whose presence is required by the child, his parents or guardian or any other person whose presence, in the opinion of the court, is necessary.

(b) A copy of the petition shall be attached to each summons.

(c) The summons shall notify the parents, guardian or legal custodian of the right to counsel and that one shall be appointed if the parent, guardian or legal custodian is financially unable to pay.

(d) If it appears that the child should be removed from his present condition or surroundings in order to protect his health or welfare, the court may so order by endorsement upon the summons. The endorsement shall require a peace officer or other suitable person to take the child at once to a place of shelter care designated by the court.

16-1607. SERVICE OF SUMMONS -- TRAVEL EXPENSES -- NECESSARY WITNESSES -- FAILURE TO OBEY SUMMONS -- CONTEMPT -- ISSUANCE OF WARRANT. (a) Service of summons shall be made personally by delivery of an attested copy thereof to the person summoned; provided that if the court is satisfied that it is impracticable to serve personally such summons or the notice provided for in the preceding section, he may order service by registered mail addressed to the last known address, or by publication thereof, or both. It shall be sufficient to confer jurisdiction if service is effected at least forty-eight (48) hours before the time fixed in the summons for the hearing. When publication is used the summons shall be published once a week for two (2) consecutive weeks in a newspaper of general circulation in the county; such newspaper to be designated by the court in the order for publication of the summons, and such publication shall have the same force and effect as though such person had been personally served with said summons. Service of summons, process or notice required by this act shall be made by the sheriff or other person appointed by the court, and a return must be made on the summons showing that service has been made. The court may authorize payment of any necessary travel expenses incurred by any person summoned or otherwise required to appear at the hearing of any case coming within the purview of this act, and such expenses when approved by the court shall be a charge upon the county, except that not more than five (5) witnesses on behalf of any parent or guardian may be required to attend such hearing at the expense of the county. The court may summon the appearance of any person whose presence is deemed necessary as a witness. The child, his parents, guardian or custodian shall be notified as soon as practicable after the filing of a petition and prior to the start of a hearing of their right to counsel.

(b) If any person summoned as herein provided shall, without reasonable cause, fail to appear, he may be proceeded against for contempt of court. Where the summons cannot be served, or the parties served fail to obey the same, or in any case when it shall be made to appear to the court that the service will be ineffectual, or that the welfare of the child requires that he be brought forthwith into the custody of the court, a warrant or capias may be issued for the parent, guardian or the child.

* (12)--error in printed bill.

16-1608. ADJUDICATORY HEARING, CONDUCT OF HEARING. When a petition has been filed, the court shall set an adjudicatory hearing to be held within fifteen (15) days of the filing of the petition.

(b) Proceedings under this act shall be dealt with by the court at a hearing separate from those for adults and without a jury. The hearing shall be conducted in an informal manner and may be adjourned from time to time. The general public shall be excluded, and only such persons shall be admitted as are found by the court to have a direct interest in the case. The child may be excluded from the hearing at any time at the discretion of the court. If the parent or guardian is without counsel, the court shall inform him and the child of their right to counsel, and right to appeal from any disposition or order of the court.

If at any stage of a proceeding under this chapter, it shall appear to be in the best interests of the child or society, the court may cause the proceeding to be expanded or altered to include full or partial consideration of the cause under the youth rehabilitation act without terminating the original proceeding.

16-1609. INVESTIGATION. (a) Where the court has ordered a shelter care hearing after the release hearing or when a petition is otherwise filed, the court shall order the department to investigate the circumstances of the child and his family and report to the court.

(b) The report shall be delivered to the court with copies to the parents or other legal custodian at least five (5) days before the date set for the adjudicatory hearing. The report shall contain a social evaluation of the child and the parents or other legal custodian and such other information as the court shall require.

(c) The report shall not be admitted into evidence at the adjudicatory hearing and shall be used by the court only for disposition if the child is found to be within the purview of this act.

16-1610. DECREE -- DISPOSITION. (a) If a preponderance of the evidence of the adjudicatory hearing shows that the child comes within the purview of this act, the court shall so decree and in its decree shall make a finding of the facts and conclusions of law upon which it exercises jurisdiction over the child.

(b) Upon entry of its decree, the court may consider any information relevant to the disposition of the child, but in any event shall either:

(1) Place the child under protective supervision in his own home for an indeterminate period not to exceed one (1) year from the date entered but the court may extend the period of time upon a showing by the authorized agency that continued supervision is necessary for the best interests of the child.

(2) Vest legal custody in the department or other authorized agency.

(c) A decree vesting legal custody in the department shall be binding upon the department, and shall be for an

indeterminate period not to exceed one (1) year from the date entered, except that the department may file a petition with the court requesting renewal of the order and the court, after notice to the parties, a hearing and finding, may renew the order if it finds such renewal necessary to safeguard the best interests of the child. Renewals may be made during minority, but no order shall have any force or effect beyond minority. The department may petition the court at any time to vacate any order placing a child in its custody or under its protective supervision.

(d) A decree vesting legal custody in an authorized agency other than the department shall be, for an indeterminate period of time not to exceed one (1) year from the date entered, but the court may extend the period of time upon a showing by the authorized agency that continued supervision is necessary for the best interests of the child, and on such other terms as the court shall state in its decree to be in the best interests of the child and which the court finds to be acceptable to such authorized agency.

(e) If the court does not find that the child comes within the purview of this act pursuant to subsection (a) of this section it shall dismiss the petition.

16-1611. MODIFICATION OR REVOCATION. (a) A petition for revocation or modification of an order issued under section 16-1610, Idaho Code, may be filed by an interested party; provided that no petition may be filed under this section within four (4) months of a prior hearing on care and placement of the child.

(b) If the petition filed under subsection (a) of this section alleges that the child's best interests are no longer served by carrying out the order issued under section 16-1610, Idaho Code, or the department or other authorized agency has failed to provide adequate care for the child, the court shall hold a hearing on the petition.

(c) At a hearing to consider the petition filed under subsection (a) of this section the court shall proceed according to the provisions of subsection (b) of section 16-1608, Idaho Code. The court may dismiss the petition if its allegations are not substantiated in the hearing or it may revoke or modify the order as required by the best interests of the child and not inconsistent with other provisions of this act.

16-1612. CUSTODY -- TIME FOR HEARING. (a) A child may be taken into custody by a peace officer or other person appointed by the court without an order issued pursuant to subsection (d) of section 16-1606 or section 16-1608, Idaho Code, only where the child is endangered in his surroundings and prompt removal appears to be necessary to prevent serious physical or mental injury to the child.

(b) When a child is taken into custody under subsection (a) of this section, he may be held for a maximum of forty-eight (48) hours, excluding Saturdays, Sundays and holidays, unless a shelter care hearing has been held pursuant to section 16-1614, Idaho Code, and the court orders an adjudicatory hearing.

16-1613. NOTICE -- PLACEMENT -- IMMUNITY. (a) A peace officer or other person appointed by the court who takes a child into custody under section 16-1612, Idaho Code, shall immediately:

(1) Take the child to a place of shelter, and

(2) notify the court of the action taken and the place to which the child was taken, and,

(3) notify the parents, guardian or other legal custodian that the child has been taken into custody and the whereabouts of the child, and that the child may be held for a maximum of forty-eight (48) hours, excluding Saturdays, Sundays and holidays, within which time there may be an adjudicatory hearing.

(b) A peace officer or other person appointed by the court who takes a child into custody under section 16-1610, Idaho Code, shall not be held liable either criminally or civilly unless the action of taking the child was exercised in bad faith and/or the requirements of subsection (a) of this section are not complied with.

16-1614. SHELTER CARE HEARING. (a) Notwithstanding any other provision of this act, when a child is taken into custody pursuant to section 16-1612, Idaho Code, a hearing to determine whether the child should be released shall be held according to the provisions of this section.

(b) The parents, guardian or other legal custodian of the child shall be given notice of the shelter care hearing. Such notice shall include the time, place, and purpose of the hearing; and, that such person is entitled to legal counsel and that if he is unable to pay for such counsel, one will be appointed and paid for by the county. Notice as required by this subsection shall be given at least twenty-four (24) hours before the shelter care hearing.

(c) Notice of the shelter care hearing shall be given to the parents, guardian or other legal custodian by personal service and the return of service shall be filed with the court. Provided, however, that such service need not be made where the undelivered notice is returned to the court along with an affidavit stating that the parents or other legal custodian could not be located or were out of the state.

(d) The shelter care hearing may be continued for a reasonable time upon request by the parent or other legal custodian or counsel.

(e) If, upon the completion of the shelter care hearing, it is shown that:

(1) a petition has been filed; and

(2) the allegations in the petition are, more probably than not, true; and

(3) it is in the best interests of the child to remain in temporary shelter care pending the conclusion of the adjudicatory hearing,

the court shall issue, within twenty-four (24) hours of such hearing, an order of temporary custody. Any evidence may be considered by the court which is of the type which reasonable people may rely upon.

(f) Upon ordering temporary custody pursuant to subsection (e) of this section, the court shall also order an adjudicatory hearing to be held as soon as possible, but in no event later than fifteen (15) days from the date the petition was filed.

(g) If the court does not find that the child should remain in shelter care under subsection (e) of this section, the child shall be released and the court may dismiss the petition.

16-1615. TERMINATION OF PARENT-CHILD RELATIONSHIP. If the child has been placed in the custody of the department or under protective supervision pursuant to section 16-1610, Idaho Code, the department may, after three (3) months, petition the court for termination of the parent and child relationship in accordance with chapter 20, title 16, Idaho Code, provided that no petition for termination of the parent and child relationship shall be made within six (6) months of a prior petition for such termination.

16-1616. AUTHORIZATION OF EMERGENCY MEDICAL TREATMENT. (a) At any time whether or not a child is under the authority of the court, the court may authorize medical or surgical care for a child when:

(1) A parent, legal guardian or custodian is not immediately available and cannot be found after reasonable effort in the circumstances of the case; or

(2) A physician informs the court orally or in writing that in his professional opinion the life of the child would be greatly endangered without certain treatment and the parent, guardian or other custodian refuses or fails to consent.

(b) If time allows in a situation under subsection (a) (2) of this section, the court shall cause every effort to be made to grant the parents or legal guardian or custodian an immediate informal hearing, but this hearing shall not be allowed to further jeopardize the child's life.

(c) In making its order under subsection (a) of this section, the court shall take into consideration any treatment being given the child by prayer through spiritual means alone, if the child or his parent, guardian or legal custodian are adherents of a bona fide religious denomination that relies exclusively on this form of treatment in lieu of medical treatment.

(d) After entering any authorization under subsection (a) of this section, the court shall reduce the circumstances, finding and authorization to writing and enter it in the records of the court and shall cause a copy of the authorization to be given to the physician or hospital, or both, that was involved.

(e) Oral authorization by the court is sufficient for care or treatment to be given by and shall be accepted by any physician or hospital. No physician or hospital nor any nurse, technician or other person under the direction of such physician or hospital shall be subject to criminal or civil liability for performance of care or treatment in reliance on the court's authorization, and any function performed thereunder shall be regarded as if it were performed with the child's and the parent's authorization.

16-1617. APPEAL -- EFFECT ON CUSTODY. An interested party aggrieved by any order or decree of the court may appeal to the district court within thirty (30) days of the filing of such order or decree. Where the order affects the custody of a child, the appeal shall be heard at the earliest practicable time. The dependency of an appeal shall not suspend the order of the court regarding a child, and it shall not discharge the child from the custody of the court or of the person or authorized agency to whose care he has been committed, unless otherwise ordered by the district court on application of appellant. No bond or undertaking shall be required of any party appealing to the district court under the provisions of this section. Any final order or judgment of the district court shall be appealable to the supreme court of the state of Idaho within thirty (30) days following entry of such final order or judgment in the same manner as appeals in other civil actions. The filing of the notice of appeal shall not, unless otherwise ordered, stay the order of the district court.

16-1618. RIGHT TO COUNSEL -- GUARDIAN AD LITEM. (a) Without affecting the right to counsel of parents, guardian or other legal custodian, the court shall appoint separate counsel for the child to serve at each stage in proceedings under this act and to act as guardian ad litem when it appears to the court that the interests of the child are not being fully represented by another party to the action and that party has retained or had counsel appointed.

(b) Counsel appointed for the child shall be paid for by the county unless it is shown conclusively that the child has an independent estate sufficient to pay such costs.

16-1619. REPORTING OF CASES OF PHYSICAL INJURY TO CHILDREN CAUSE BY ABUSE OF PARENTS. Any physician, resident on a hospital staff, intern, nurse, coroner, school teacher, day care personnel, social worker, or other person having reasonable cause to believe that a child under the age of eighteen (18) years has been abused or who observes the child being subjected to conditions or circumstances which would reasonably result in abuse, shall report or cause to be reported within twenty-four (24) hours such conditions or circumstances to the proper law enforcement agency. The department shall be informed by law enforcement of any report made directly to it. When the attendance of a physician, resident, intern, nurse, day care worker, or social worker is pursuant to the performance of services as a member of the staff of a hospital or similar institution, he shall notify the person in charge of the institution or his designated delegate who shall make the necessary reports.

16-1620. IMMUNITY. Any person acting upon reasonable cause in the making of a report of negligence, abuse or abandonment shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any such judicial proceeding resulting from such report. Any person who reports in bad faith or with malice shall not be protected by this section. Any privilege between husband and wife, or between any profes-

sional person except the lawyer-client privilege, including but not limited to physicians, ministers, counselors, hospitals, clinics, day care centers and schools and their clients shall not be grounds for excluding evidence at any proceeding regarding the abuse of the child or the cause thereof.

16-1621. COURT RECORDS. The court shall keep a record of all court proceedings under this act. The records shall be available only to parties to the proceeding and authorized agencies providing protective supervision or having legal custody of the child. Any other person may have access to the records only upon permission by the court and then only if it is shown that such access is in the best interests of the child; or for the purpose of legitimate research. If the records are released for research purposes, the person receiving them must agree to maintain the confidentiality of any information which could lead to the identification of the child.

16-1622. SUPPORT OF COMMITTED CHILD. Whenever legal custody of a child is vested in someone other than his parents, after due notice to the parent, guardian or other persons legally obligated to care for and support the child, and after a hearing, the court may order and decree that the parent or other legally obligated person shall pay in such a manner as the court may direct a reasonable sum that will cover in whole or in part the support and treatment of the child after the decree is entered. If the parent or other legally obligated person willfully fails or refuses to pay such sum, the court may proceed against him for contempt, or the order may be filed and shall have the effect of a civil judgment.

16-1623. POWERS AND DUTIES OF THE DEPARTMENT. The department, working in conjunction with the court and other public and private agencies and persons, shall have the primary responsibility to implement the purpose of this act. To this end, the department is empowered and shall have the duty to do all things reasonably necessary to carry out the purpose of this act, including but not limited to the following:

(a) The department shall administer treatment programs for the protection and care of neglected, abused and abandoned children, and in so doing may place in foster care, shelter care, group homes or other diagnostic, treatment, or care centers or facilities, children of whom it has been given custody. The department is to be governed by the standards found in Title 39, Chapter 12, Idaho Code.

(b) On December 1, the department shall make an annual statistical report to the governor covering the preceding fiscal year showing the number and status of persons in its custody and including such other data as will provide sufficient facts for sound planning in the conservation of children and youth. All officials and employees of the state and of every county and city shall furnish the department upon request, such information within their knowledge and control as the department deems necessary. Local agencies shall report in such uniform format as may be required by the department.

(c) The department shall be required to maintain a central registry for the reporting of child neglect, abuse and abandonment information.

(d) The department shall make periodic evaluation of all persons in its custody or under its supervision for the purpose of determining whether existing orders and dispositions in individual cases shall be modified or continued in force. Evaluations may be made as frequently as the department considers desirable and shall be made with respect to every person at intervals not exceeding six (6) months. Reports of evaluation made pursuant to this section shall be filed with the court which vested custody of the person with the department.

Failure of the department to evaluate a person or to reevaluate him within six (6) months of a previous examination shall not of itself entitle the person to a change in disposition but shall entitle him, his parent, guardian or custodian or his counsel to petition the court pursuant to section 16-1611, Idaho Code.

(e) In a consultive capacity, the department shall assist communities in the development of constructive programs for the protection, prevention and care of children and youth.

(f) The department shall keep written records of investigations, evaluations, prognosis and all orders concerning disposition or treatment of every person over whom it has legal custody. Department records must remain confidiential unless otherwise ordered by the court.

(g) The department shall establish appropriate administrative procedures for the processing of complaints of child neglect, abuse and abandonment received and for the implementation of the protection, treatment and care of children formally or informally placed in the custody of the department under this act.

(h) The department having been granted legal custody of a child shall have the right to determine where and with whom the child shall live, provided that the child shall not be placed beyond the territorial jurisdiction of the court without the court's consent, and providing further, that the department shall not place the child in the home from which the court ordered the child removed without first obtaining the approval of the court.

(i) The department shall give to the court any information concerning the child that the court may at any time require, but in any event shall report the progress of the child under its custody at intervals of not to exceed six (6) months.

(j) The department may petition the court at any time to vacate any order placing a child in its custody or under its protective supervision.

16-1624. OTHER DUTIES OF THE DEPARTMENT. Nothing in this act shall be construed as modifying duties of the department as described in sections 56-204A and 56-204B, Idaho Code.

16-1625. AUTHORIZATION FOR DEPARTMENT TO ACT. (a) Upon receiving information that a child may be abused, neglected

or abandoned, the department shall cause such investigation to be made in accordance with this act as is appropriate. In making the investigation the department shall use its own resources, and may enlist the cooperation of peace officers for phases of the investigation for which they are better equipped. Upon satisfying itself as to the course of action which should be pursued to best accord with the purpose of this act, the department shall:

(1) resolve the matter in such informal fashion as is appropriate under the circumstances; or

(2) seek to enter a voluntary agreement with all concerned persons to resolve the problem in such a manner that the child will remain in his own home; or

(3) refer the matter to the prosecutor or attorney general with recommendation that appropriate action be taken under this act; or

(4) refer the matter to the prosecutor or attorney general with recommendation that appropriate action be taken under other laws.

(b) In the event that the department concludes that a voluntary agreement pursuant to subsection (a) (2) of this secttion* should be used, the agreement shall be in writing, shall state the behavioral basis, shall contain such other terms as the department shall deem appropriate under the circumstances, shall utilize such resources as are available to the department from any source and are considered appropriate to the situation, shall specify the services or treatment to be undertaken, shall be signed by all persons, including the child if appropriate, the department considers necessary to the agreement's success, and shall specify the responsibilities of each party to the agreement, which responsibilities shall be thoroughly explained to each person orally. The agreement shall not run for more than one (1) year. Copies shall be given to all signatories.

16-1626. ADMINISTRATIVE PROCEDURES ACT. Nothing in this act shall be construed to alter the requirements provided in Chapter 52, Title 67, Idaho Code.

16-1627. CONSTRUCTION. This act shall be liberally construed to accomplish the purposes herein set forth.

16-1628. SHORT TITLE. This act shall be known and cited as the "Child Protective Act."

16-1629. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act.

* (section)--error in printed bill.

Passed by House 2/26/76
Passed by Senate 3/11/76
Signed by Governor 3/19/76

IN THE HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 346
BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO AN INTERSTATE COMPACT ON PLACEMENT OF CHILDREN; AMENDING TITLE 16, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 21, TITLE 16, IDAHO CODE; BY PROVIDING A DECLARATION OF LEGISLATIVE FINDINGS AND POLICY; PROVIDING FOR EXECUTION OF AN INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN; PROVIDING FOR A COMPACT ADMINISTRATOR; PROVIDING FOR SUPPLEMENTARY AGREEMENTS; PROVIDING FOR FINANCIAL ARRANGEMENTS; PROVIDING FOR FINANCIAL RESPONSIBILITY OF PARENTS AND GUARDIANS OF ESTATE; AND PROVIDING FOR RESPONSIBILITIES OF ENFORCEMENT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Title 16, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER 21, to read as follows:

CHAPTER 21

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

16-2101. LEGISLATIVE FINDINGS AND POLICY. It is hereby found and declared: (1) that the needs of children requiring placement and of adults seeking to receive them cannot be met by restricting child placement services and supervision to the territory of a single state; (2) that the cooperation of this state with other states is necessary to improve services and protection for children in need of placement.

It shall therefore be the policy of this state, in adopting the Interstate Compact on the Placement of Children, to cooperate fully with other states: (1) in furnishing public authorities in a receiving state with notice of the intention to place a child in the receiving state; (2) in placing a child in a receiving state only after receiving notification from that receiving state as to suitability of the placement; and (3) in conforming with the applicable laws of the receiving state governing the placement of children therein.

Nothing in this act shall be interpreted as limiting the jurisdiction of the courts under chapters 16 and 18 title 16, Idaho Code.

16-2102. EXECUTION OF COMPACT. The governor is hereby authorized and directed to execute a compact on behalf of this state with any other state or states legally joining therein in the form substantially as follows:

ARTICLE 1. PURPOSE AND POLICY

It is the purpose and policy of the party states to cooperate with each other in the interstate placement of children to the end that:

(a) Each child requiring placement shall receive the maximum opportunity to be placed in a suitable environment

and with persons or institutions having appropriate qualifications and facilities to provide a necessary and desirable degree and type of care.

(b) The appropriate authorities in a state where a child is to be placed may have full opportunity to ascertain the circumstances of the proposed placement, thereby promoting full compliance with applicable requirements for the protection of the child.

(c) The proper authorities of the state from which the placement is made may obtain the most complete information on the basis of which to evaluate a projected placement before it is made.

(d) Appropriate jurisdictional arrangements for the care of children will be promoted.

ARTICLE II. DEFINITIONS

As used in this compact:

(a) "Child" means a person who, by reason of minority, is legally subject to parental, guardianship or similar control.

(b) "Sending agency" means a party state, officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency or other entity which sends, brings, or causes to be sent or brought, any child to another party state.

(c) "Receiving state" means the state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for placement with state or local public authorities or for placement with private agencies or persons.

(d) "Placement" means the arrangement for the care of a child in a family free or boarding home or in a child-caring agency or institution but does not include any institution caring for the mentally ill, mentally defective or epileptic or any institution primarily educational in character, and any hospital or other medical facility.

ARTICLE III. CONDITIONS FOR PLACEMENT

(a) No sending agency shall send, bring, or cause to be sent or brought into any other party state, any child for placement in foster care or as a preliminary to a possible adoption unless the sending agency shall comply with each and every requirement set forth in this article and with the applicable laws of the receiving state governing the placement of children therein.

(b) Prior to sending, bringing or causing any child to be sent or brought into a receiving state for placement in foster care or as a preliminary to a possible adoption, the sending agency shall furnish the appropriate public authorities in the receiving state written notice of the intention to send, bring, or place the child in the receiving state. The notice shall contain:

(1) the name, date and place of birth of the child,

(2) The identity and address or addresses of the parents or legal guardian.

(3) The name and address of the person, agency or

institution to or with which the sending agency proposes to send, bring, or place the child.

(4) A full statement of the reasons for such proposed action and evidence of the authority pursuant to which the placement is proposed to be made.

(c) Any public officer or agency in a receiving state which is in receipt of a notice pursuant to paragraph (b) of this article may request of the sending agency, or any other appropriate office or agency of or in the sending agency's state, and shall be entitled to receive therefrom, such supporting or additional information as it may deem necessary under the circumstances to carry out the purpose and policy of this compact.

(d) The child shall not be sent, brought, or caused to be sent or brought into the receiving state until the appropriate public authorities in the receiving state shall notify the sending agency, in writing, to the effect that the proposed placement does not appear to be contrary to the interests of the child.

ARTICLE IV. PENALTY FOR ILLEGAL PLACEMENT

The sending, bringing, or causing to be sent or brought into any receiving state of a child in violation of the terms of this compact shall constitute a violation of the laws respecting the placement of children of both the state in which the sending agency is located or from which it sends or brings the child and of the receiving state. Such violation may be punished or subjected to penalty in either jurisdiction in accordance with its laws. In addition to liability for any such punishment or penalty, any such violation shall constitute full and sufficient grounds for the suspension or revocation of any license, permit, or other legal authorization held by the sending agency which empowers or allows it to place, or care for children.

ARTICLE V. RETENTION OF JURISDICTION

(a) The sending agency shall retain jurisdiction over the child sufficient to determine all matters in relation to the custody, supervision, care, treatment and disposition of the child which it would have had if the child had remained in the sending agency's state, until the child is adopted, reaches majority, becomes self-supporting or is discharged with the concurrence of the appropriate authority in the receiving state. Such jurisdiction shall also include the power to effect or cause the return of the child or the child's transfer to another location and custody pursuant to law. The sending agency shall continue to have financial responsibility for support and maintenance of the child during the period of the placement. Nothing contained herein shall defeat a claim of jurisdiction by a receiving state sufficient to deal with an act of delinquency or crime committed herein.

(b) When the sending agency is a public agency it may enter into an agreement with an authorized public or private agency in the receiving state providing for the performance of one or more services in respect of such case by the latter as agent for the sending agency.

(c) Nothing in this compact shall be construed to prevent a private charitable agency authorized to place children in the receiving state from performing services or acting as agent in that state for a private charitable agency of the sending state; nor to prevent the agency in the receiving state from discharging financial responsibility for the support and maintenance of a child who has been placed on behalf of the sending agency without relieving the responsibility set forth in paragraph (a) hereof.

ARTICLE VI. INSTITUTIONAL CARE OF DELINQUENT CHILDREN

A child adjudicated delinquent may be placed in an institution in another party jurisdiction pursuant to this compact but no such placement shall be made unless the child is given a court hearing on notice to the parent or guardian with opportunity to be heard, prior to his being sent to such other party jurisdiction for institutional care and the court finds that:

(1) Equivalent facilities for the child are not available in the sending agency's jurisdiction; and

(2) Institutional care in the other jurisdiction is in the best interest of the child and will not produce undue hardship.

ARTICLE VII. COMPACT ADMINISTRATOR

The executive head of each jurisdiction party to this compact shall designate an officer who shall be general coordinator of activities under this compact in his jurisdiction and who, acting jointly with like officers of other party jurisdictions, shall have power to promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

ARTICLE VIII. LIMITATIONS

This compact shall not apply to:

(a) The sending or bringing of a child into a receiving state by his parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or his guardian and leaving the child with any such relative or nonagency guardian in the receiving state.

(b) Any placement, sending or bringing of a child into a receiving state pursuant to any other interstate compact to which both the state from which the child is sent or brought and the receiving state are party, or to any other agreement between said states which has the force of law.

ARTICLE IX. ENACTMENT AND WITHDRAWAL

This compact shall be open to joinder by any state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico and, with the consent of Congress, the government of Canada or any province thereof. It shall become effective with respect to any such jurisdiction when such jurisdiction has enacted the same into law. Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until two (2) years after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each other party jurisdiction. Withdrawal of a party state shall

not affect the rights, duties and obligations under this compact of any sending agency therein with respect to a placement made prior to the effective date of withdrawal.

ARTICLE X. CONSTRUCTION AND SEVERABILITY

The provisions of this compact shall be liberally construed to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this conpact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

16-2103. COMPACT ADMINISTRATOR. Pursuant to said compact, the governor is hereby authorized and empowered to designate an officer who shall be the compact administrator and who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms of the compact. Said compact administrator shall serve subject to the pleasure of the governor. The compact administrator is hereby authorized, empowered and directed to cooperate with all departments, agencies and officers of and in the government of this state and its subdivisions in facilitating the proper administration of the compact or of any supplementary agreement or agreements entered into by this state thereunder.

16-2104. SUPPLEMENTARY AGREEMENTS. The compact administrator is hereby authorized and empowered to enter into supplementary agreements with appropriate officials of other states pursuant to the compact. In the event that such supplementary agreement shall require or contemplate the use of any institution or facility of this state or require or contemplate the provision of any service of this state, said supplementary agreement shall have no force or effect until approved by the head of the department or agency under whose jurisdiction said institution or facility is operated or whose department or agency will be charged with the rendering of such service.

16-2105. FINANCIAL ARRANGEMENTS. The compact administrator, subject to the approval of the board of examiners, may make or arrange for any payments necessary to discharge any financial obligations imposed upon this state by the compact or by any supplementary agreement entered into thereunder.

16-2106. FINANCIAL RESPONSIBILITY OF PARENTS AND GUARDIANS OF ESTATE. The compact administrator shall take appropriate action to effect the recovery from relevant parents or guardians of estate, at the option of said administrator, of any and all costs expended by the state, or any of its subdivisions, with respect to Idaho children handled under

said compact.

16-2107. RESPONSIBILITIES OF ENFORCEMENT. The courts, departments, agencies and officers of this state and its subdivisions shall enforce this compact and shall do all things appropriate to the effectuation of its purposes and intent which may be within their respective jurisdictions.

Passed by House 2/20/76
Passed by Senate 3/11/76
Signed by Governor 3/19/76

IN THE SENATE
SENATE BILL NO. 1455
BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE STATE BOARD OF EDUCATION; AMENDING SECTION 33-104, IDAHO CODE, TO PROVIDE THAT MEMBERS OF THE STATE BOARD OF EDUCATION SHALL RECEIVE A PER DIEM IN THE AMOUNT OF THIRTY-FIVE DOLLARS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-104, Idaho Code, be, and the same is hereby amended to read as follows:

33-104. MEETINGS OF THE BOARD -- HONORARIUM -- EXPENSES -- ORGANIZATION. The state board shall hold four (4) regular meetings annually at such time and place as may be directed by the board. Special meetings may be called by the president at any time and place designated in such call.

Each member shall be paid a fixed sum of ~~twenty-five~~ thirty-five dollars (~~$25.00~~ $35.00) per day spent upon the business of the board, or upon business of the board of regents, or as trustees of the several state institutions, and the actual and necessary expenses connected therewith. Payment made under the authority of this section shall be exempt from the provisions of the Standard Travel Pay and Allowances Act of 1949.

At its first meeting after the first day of April, in each year, the state board shall organize and shall elect from its membership a president, a vice-president and a secretary.

Passed by Senate 2/16/76
Passed by House 3/16/76
Signed by Governor 4/1/76

IN THE HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 517
BY EDUCATION COMMITTEE

AN ACT

PROVIDING PROCEDURE FOR EXPULSION OR SUSPENSION OF STUDENTS; AMENDING SECTION 33-205, IDAHO CODE, RELATING TO THE DENIAL OF SCHOOL ATTENDANCE TO STUDENTS, BY PROVIDING THAT A BOARD OF TRUSTEES MAY DENY ATTENDANCE BY EXPULSION AND THAT PRINCIPALS AND SUPERINTENDENTS MAY DENY ATTENDANCE BY SUSPENSION, AND REQUIRING THAT PROCEDURES LEADING TO THE DENIAL OF SCHOOL ATTENDANCE TO STUDENTS CONFORM TO THE MINIMAL REQUIREMENTS OF DUE PROCESS OF LAW; AND AMENDING SECTION 33-513, IDAHO CODE, EMPOWERING A BOARD OF SCHOOL TRUSTEES TO EMPLOY PRINCIPALS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-205, Idaho Code, be, and the same is hereby amended to read as follows:

33-205. DENIAL OF SCHOOL ATTENDANCE. The board of trustees may deny attendance at any of its schools, by ~~suspension or~~ expulsion, to any pupil who is an habitual truant, or who is incorrigible, or whose conduct, in the judgment of the board, is such as to be continuously disruptive of school discipline, or of the instructional effectiveness of the school, or whose presence in a public school is detrimental to the health and safety of other pupils. Any pupil having been ~~suspended or~~ expelled may be readmitted to the school by the board of trustees upon such reasonable conditions as may be prescribed by the board; but such readmission shall not prevent the board from again ~~suspending or~~ expelling such pupil for cause.

No pupil shall be expelled without the board of trustees having first given written notice to the parent or guardian of the pupil, which notice shall state the grounds for the proposed expulsion and the time and place where such parent or guardian may appear ~~and show cause why the pupil should not be expelled.~~ to contest the action of the board to deny school attendance, and which notice shall also state the rights of the pupil to be represented by counsel, to produce witnesses and submit evidence on its own behalf, and to cross-examine any adult witnesses who may appear against him. Within a reasonable period of time following such notification, the ~~The~~ board of trustees shall grant the pupil and his parents or guardian a full and fair hearing on the proposed expulsion. However, the board shall allow a reasonable period of time between such notification and the holding of such hearing to allow the pupil and his parents or guardian to prepare their response to the charge. Any pupil who is within the age of compulsory attendance, who is

expelled as herein provided, shall come under the purview of the youth rehabilitation law, and an authorized representative of the board shall file a petition with the magistrate division of the district court of the county of the pupil's residence, in such form as the court may require under the provisions of section 16-1807, Idaho Code.

The superintendent of any district or the principal of any school may temporarily suspend any pupil for disciplinary reasons or for other conduct disruptive of good order or of the instructional effectiveness of the school. A temporary suspension shall not exceed five (5) school days in length. Prior to suspending any student, the superintendent or principal shall grant an informal hearing on the reasons for the suspension and the opportunity to challenge those reasons. Any pupil who has been suspended may be readmitted to the school by the superintendent or principal who suspended him upon such reasonable conditions as said superintendent or principal may prescribe. The board of trustees shall be notified of any temporary suspensions, the reasons therefor, and the response, if any, thereto.

The board of trustees of each school district shall establish the procedure to be followed by the superintendent and principals under its jurisdiction for the purpose of affecting a temporary suspension, which procedure must conform to the minimal requirements of due process.

SECTION 2. That Section 33-513, Idaho Code, be, and the same is hereby amended to read as follows:

33-513. PROFESSIONAL PERSONNEL. The board of trustees of each school district including any specially chartered district, shall have the following powers and duties:

1. To employ professional personnel, on written contract in form approved by the state board of education, conditioned upon a valid certificate being held by such professional personnel at the time of entering upon the duties thereunder. Should the board of trustees fail to enter into written contract for the employment of any such person, the state board of education shall withhold ensuing apportionments until such written contract be entered into. When the board of trustees has sent a proposed contract for the next ensuing year to any such person, such person shall have a period of time to be determined by the board of trustees in its discretion, but in no event less than ten (10) days from the receipt by the person of the proposed contract, in which to sign the contract and return it to the board.

The board of trustees shall withhold the salary of any teacher who does not hold a teaching certificate valid in this state. It shall not contract to require any teacher to make up time in attending any meeting called by the state board of education or by the state superintendent of public instruction; nor while attending regularly scheduled official meetings of the state teachers association; nor while school is closed as provided in section 33-1001, Idaho Code, as now appearing or as it may be amended;

2. In the case of school districts other than elementary school districts, to employ a superintendent of schools

for a term not to exceed three (3) years, who shall be the executive officer of the board of trustees with such powers and duties as the board may prescribe. The superintendent shall also act as the authorized representative of the district whenever such is required, unless some other person shall be named by the board of trustees to act as its authorized representative;

3. To employ through written contract principals who shall hold a valid certificate appropriate to the position for which they are employed, who shall supervise the operation and management of the school in accordance with the policies established by the board of trustees and who shall be under the supervision of the superintendent.

~~3~~ 4. To suspend, grant leave of absence, place on probation or discharge certificated professional personnel for continued violation of any lawful rules or regulations of the board of trustees or of the state board of education, or for any conduct which could constitute grounds for revocation of a teaching certificate. No certificated professional employee shall be discharged during a contract term except under procedures prescribed by the state board of education.

~~4~~ 5. to establish criteria and procedures for the supervision and evaluation of certificated employees who are not employed on a renewable contract, as provided for in section 33-1212, Idaho Code. Such procedures shall require at least one (1) evaluation prior to the beginning of the second semester of the school year, and when any such teacher's work is found to be unsatisfactory a probationary period shall be established which shall continue until the time for the reissuing of the yearly contract as provided in this paragraph. This procedure shall not preclude recognition of unsatisfactory work at a subsequent evaluation and the establishment of a reasonable period of probation. In all instances, the teacher shall be duly notified in writing of the areas of work which are deficient, including the conditions of probation. Until the third year of continuous employment by the same school district, including any specially chartered district, each such certificated employee shall be given notice, in writing, whether he will be reemployed for the next ensuing year. Such notice shall be given by the board of trustees no later than the fifteenth day of May of each such year. If the board of trustees has decided not to reemploy the certificated employee, then the notice must contain a statement of reasons for such decision and the employee shall, upon request, be given the opportunity for an informal review of such decision by the board of trustees.

~~5~~ 6. To request, under extenuating circumstances, special retirement consideration from the public employees retirement board on behalf of any employee on renewable contract under section 33-1212, Idaho Code, if such employee is fifty-five (55) years of age or older.

Passed by House 2/18/76
Passed by Senate 3/4/76
Signed by Governor 3/10/76

IN THE SENATE
SENATE BILL NO. 1329
BY HEALTH, EDUCATION AND WELFARE COMMITTEE

AN ACT

RELATING TO MEETINGS OF SCHOOL DISTRICT BOARDS OF TRUSTEES; AMENDING SECTION 33-510, IDAHO CODE, REQUIRING THAT MEETINGS OF BOARDS OF TRUSTEES CONFORM TO STATE LAW ON OPEN MEETINGS OF PUBLIC BODIES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-510, Idaho Code, be, and the same is hereby amended to read as follows:

33-510. ANNUAL MEETINGS -- REGULAR MEETINGS -- BOARDS OF TRUSTEES. The annual meeting of each school district shall be on the date of its regular July meeting in each year. Notice of the annual meeting of elementary school districts shall be given as provided in section 33-401, Idaho Code, but one (1) publication shall suffice.

Regular meetings of each board of school district trustees shall be held monthly, on a uniform day of a uniform week as determined at the annual meeting. Special and adjourned meetings may be called by the chairman or by any two (2) members of the board and held at any time. If the time and place of special meetings shall not have been determined at a meeting of the board with all members being present, then notice of the time and place shall be given to each member not less than twenty-four (24) hours before such special meeting is to be convened.

A quorum for the transaction of business of the board of trustees shall consist of a majority of the members of the board. Unless otherwise provided by law, all questions shall be determined by a majority of the votes cast. The chairman of the board may vote in all cases, and, in the case of a tie vote, may additionally cast the deciding vote.

All meetings~~, regular and special, of the boards of trustees of school districts are declared to be public meetings open to the public at all times, but nothing herein shall be construed to prevent any board of trustees from holding executive sessions from which the public is excluded. No rules, resolutions or regulations shall be adopted at such executive sessions~~ shall conform to the provisions of section 67-2340 through section 67-2345, Idaho Code.

Passed by Senate 2/21/76
Passed by House 3/3/76
Signed by Governor 3/10/76

IN THE SENATE
SENATE BILL NO. 1327
BY HEALTH, EDUCATION AND WELFARE COMMITTEE

AN ACT

RELATING TO THE AUTHORITY OF GOVERNING BODIES TO HOLD EXECUTIVE SESSIONS; AMENDING SECTION 67-2345, IDAHO CODE, TO AUTHORIZE AN EXECUTIVE SESSION WHEN CONSIDERING MATTERS OF STUDENT DISCIPLINE AND STUDENT ATTENDANCE AND WHEN CONSIDERING THE EVALUATION OF THE SUPERINTENDENT OF THE SCHOOL DISTRICT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-2345, Idaho Code, be, and the same is hereby amended to read as follows:

67-2345. EXECUTIVE SESSIONS -- WHEN AUTHORIZED. (1) Nothing contained in this act shall be construed to prevent, upon a two-thirds (2/3) vote recorded in the minutes of the meeting by individual vote, a governing body of a public agency from holding an executive session during any meeting, after the presiding officer has identified the authorization under this act for the holding of such executive session. An executive session may be held:

(a) to consider the employment of a public officer, employee, staff member or individual agent. This paragraph does not apply to filling a vacancy in an elective office;

(b) to consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent;

(c) to conduct deliberations concerning student discipline and student attendance;

(d) to conduct deliberations concerning labor negotiations or to acquire an interest in real property;

~~(d)~~ (e) to consider records that are exempt by law from public inspection;

~~(e)~~ (f) to consider matters of trade or commerce~~,~~;

(g) to consider the evaluation of the superintendent of the school district.

(2) Labor negotiations may be conducted in executive session if either side requests closed meetings. Notwithstanding the provisions of section 67-2343, subsequent sessions of the negotiations may continue without further public notice.

(3) No executive session may be held for the purpose of taking any final action or making any final decision.

Passed by Senate 2/28/76
Passed by House 3/6/76
Signed by Governor 3/17/76

IN THE HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 527
BY EDUCATION COMMITTEE

AN ACT

AMENDING SECTION 33-513, IDAHO CODE, RELATING TO PROFESSIONAL PERSONNEL OF THE SCHOOL DISTRICT, BY REQUIRING PROFESSIONAL PERSONNEL TO ACKNOWLEDGE, BY SIGNED RECEIPT, A PROPOSED CONTRACT FROM A BOARD OF TRUSTEES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-513, Idaho Code, be, and the same is hereby amended to read as follows:

33-513. PROFESSIONAL PERSONNEL. The board of trustees of each school district including any specially chartered district, shall have the following powers and duties:

1. To employ professional personnel, on written contract in form approved by the state board of education, conditioned upon a valid certificate being held by such professional personnel at the time of entering upon the duties thereunder. Should the board of trustees fail to enter into written contract for the employment of any such person, the state board of education shall withhold ensuing apportionments until such written contract be entered into. When the board of trustees has sent a proposed contract for the next ensuing year to any such person, such person shall have a period of time to be determined by the board of trustees in its discretion, but in no event less than ten (10) days from the <u>date the contract is delivered by certified return receipt mail or is delivered in person and is so acknowledged by a signed</u> receipt by the person of the proposed contract, in which to sign the contract and return it to the board.

The board of trustees shall withhold the salary of any teacher who does not hold a teaching certificate valid in this state. It shall not contract to require any teacher to make up time in attending any meeting called by the state board of education or by the state superintendent of public instruction; nor while attending regularly scheduled official meetings of the state teachers association; nor while school is closed as provided in section 33-1001, Idaho Code, as now appearing or as it may be amended;

2. In the case of school districts other than elementary school districts, to employ a superintendent of schools for a term not to exceed three (3) years, who shall be the executive officer of the board of trustees with such powers and duties as the board may prescribe. The superintendent shall also act as the authorized representative of the district whenever such is required, unless some other person shall be named by the board of trustees to act as its authorized representative;

3. To suspend, grant leave of absence, place on probation or discharge certificated professional personnel for continued violation of any lawful rules or regulations of the board of trustees or of the state board of education, or for any conduct which could constitute grounds for revocation of a teaching certificate. No certificated professional employee shall be discharged during a contract term except under procedures prescribed by the state board of education.

4. To establish criteria and procedures for the supervision and evaluation of certificated employees who are not employed on a renewable contract, as provided for in section 33-1212, Idaho Code. Such procedures shall require at least one (1) evaluation prior to the beginning of the second semester of the school year, and when any such teacher's work is found to be unsatisfactory a probationary period shall be established which shall continue until the time for the reissuing of the yearly contract as provided in this paragraph. This procedure shall not preclude recognition of unsatisfactory work at a subsequent evaluation and the establishment of a reasonable period of probation. In all instances, the teacher shall be duly notified in writing of the areas of work which are deficient, including the conditions of probation. Until the third year of continuous employment by the same school district, including any specially chartered district, each such certificated employee shall be given notice, in writing, whether he will be reemployed for the next ensuing year. Such notice shall be given by the board of trustees no later than the fifteenth day of May of each such year. If the board of trustees has decided not to reemploy the certificated employee, then the notice must contain a statement of reasons for such decision and the employee shall, upon request, be given the opportunity for an informal review of such decision by the board of trustees.

5. To request, under extenuating circumstances, special retirement consideration from the public employees retirement board on behalf of any employee on renewable contract under section 33-1212, Idaho Code, if such employee is fifty-five (55) years of age or older.

Passed by House 2/18/76
Passed by Senate 3/4/76
Signed by Governor 3/10/76

IN THE HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 433
BY EDUCATION COMMITTEE

AN ACT

AMENDING SECTION 33-701, IDAHO CODE, RELATING TO THE DUTIES OF THE BOARD OF TRUSTEES REGARDING PAYMENT AND ACCOUNTING OF FUNDS, BY EXTENDING THE DEADLINE FOR PUBLICATION OF THE ANNUAL STATEMENT OF FINANCIAL CONDITION FROM SIXTY DAYS TO ONE HUNDRED TWENTY DAYS FOLLOWING THE END OF EACH FISCAL YEAR.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-701, Idaho Code, be, and the same is hereby amended to read as follows:

33-701. FISCAL YEAR -- PAYMENT AND ACCOUNTING OF FUNDS. The fiscal year of each school district shall be a period of twelve (12) months commencing on the first day of July in each year.

The board of trustees of each school district shall have the following powers and duties:

1. To determine and order paid all lawful expenses for salaries, wages and purchases, whether or not there be money in the treasury for payment of warrants drawn against any fund of the district.

Whenever any school district other than an elementary school district has sufficient funds on deposit so to do, it may pay any allowed claim for salaries, wages or purchases by regular bank check signed by the treasurer of the district and countersigned by the chairman, or vice-chairman, of the board of trustees.

The total amount of warrants or orders for warrants drawn on any fund, together with disbursements from such fund in any other manner made, shall not exceed ninety-five per cent (95%) of the estimated income and revenue accrued or accruing to such fund for the same school year, until such income and revenue shall have been paid into the treasury to the credit of the district.

2. To invest all or part of any plant facilities reserve fund, or any fund accumulated for the payment of interest on, and the redemption of, outstanding bonds of the district in bonds or certificates of indebtedness of the United States of America, or in bonds or warrants of the state of Idaho, or in warrants or tax anticipation notes of any county or school district of the state of Idaho, when such investments shall be due and payable on or before the date any plant facilities reserve fund shall be required to be expended or any bonds, or interest thereon, of the investing district shall become payable.

Whenever in the judgment of the board of trustees, the proceeds of any bond issue should be temporarily invested

pending the expenditure of such proceeds for the purposes for which such bonds were issued, the proceeds may be invested in the manner and form hereinabove prescribed. Any interest, or profits accruing from such investments shall be used for the purposes for which the bonds were issued. Unless otherwise provided by law, any interest or profits accruing from the investment of any funds shall be credited to the general fund of the district;

3. To insure any school house and other property, and the district, against any loss by fire, casualty, or liability, and the board, its officers and employees subject to the provisions of sections 41-3504 and 41-3505, Idaho Code, and to preserve its property for the benefit of the district. In case of loss of any insured property, any proceeds from insurance may be expended in constructing a temporary or permanent structure, but no sum greater than the insurance proceeds shall be so expended except upon approval of a majority of the school district electors voting in an election called for that purpose.

If the proceeds of any insurance received by a school district by reason of loss on real property shall be less than one thousand dollars ($1,000), such proceeds may be credited to the general fund of the district;

4. To pay from the general fund of the district the expense of any member of the board incurred while traveling on the business of the board, or attending any meeting called by the state board of education or by the state superintendent of public instruction, or attending any annual or special meetings of the state school trustees association, and to pay the membership fee of the board of trustees in said association. Whenever any member of the board of trustees resides at such distance from the meeting place of the board as to require, in the judgment of the board, such member to incur extraordinary expense in traveling from his home to and from said meeting place, the board may approve payment to such member of the extraordinary expense incurred in attending any meeting of the board.

For the purpose of this paragraph, the term "expense" or "extraordinary expense" shall include allowance for mileage or actual travel expense incurred;

5. To prepare, or cause to be prepared and published, in the manner hereinafter prescribed, within ~~sixty (60)~~ one hundred twenty (120) days from the last day of each fiscal year, an annual statement of financial condition and report of the school district as of the end of such fiscal year, showing assets and liabilities, the amounts of money received, from what sources, the amounts expended, for what purposes, and to whom paid; such annual statement of financial condition and report to show in full the financial condition of the district, and to contain a detailed itemization of expenditures of school district funds during the fiscal year, naming each recipient and the purposes and amounts of expenditures made to each; provided, however, that if during the same fiscal year more than one payment is made to the same recipient for the same purpose, the total

of such payments to that recipient may be reported by purpose classification without itemization of warrants; and provided, further, that teacher salaries may be reported in gross amount, showing the number of teachers paid at each of the several stated gross salary levels in effect in the district, but without naming the individual recipients of teacher salary payments.

Nothing herein provided shall be construed as limiting any school district as to any additional or supplementary statements and reports it may elect to make for the purpose of informing the public of its financial operations, either as to form, content, method, or frequency; and if all the information required herein to be published shall have been published as provided herein at regular intervals during the fiscal year covering successive portions of the fiscal year, then such information may be omitted from the annual statement of financial condition and report for such portions of the fiscal year as already have been reported.

The annual statement of financial condition and report shall be published within the time above prescribed in one (1) issue of a newspaper printed and published within the district, or, if there be none, then in a newspaper printed and published in the county in which the school district is located, or, if more than one newspaper is printed and published in said district or county, then in the newspaper most likely to give notice of the contents of such annual statement of financial condition and report to the residents of said district; provided, that if no newspaper is printed and published in the said district or county, then such statement of financial condition and report shall be published in a newspaper of general circulation most likely to give notice of the contents to the residents of said district.

The chairman, clerk and treasurer of each such school district shall certify said annual statement of financial condition and report to be true and correct, and the certification shall be included in each published statement.

In the event the board of trustees of any such school district shall fail to prepare or cause to be prepared or to publish the annual statement of financial condition and report as herein required, the state board of education shall cause the same to be prepared and published, and the cost thereof shall be an obligation of such school district. One (1) copy of such annual statement of financial condition and report shall be retained in the office of the clerk of the board of school trustees, where the same shall be open at all times to examination and inspection by any person;

6. To cause to be made each year, a full and complete audit of all of the financial transactions of the district, and of the activity or student body funds, except that in elementary school districts such audit shall be made at intervals of not more than two (2) years. Any audit shall be in accordance with uniform specifications prescribed therefor by the bureau of public accounts.

The auditor shall be employed on written contract, the

form of which shall be prescribed by the bureau of public accounts.

One (1) copy of the report of the audit shall be filed with the bureau of public accounts, and one (1) copy shall be filed with the state board of education, not more than ten (10) days after its acceptance by the board of trustees;

7. To file annually with the state board of education such financial and statistical reports as said state board of education may require;

8. To order and have destroyed any canceled check or warrant, or any form of claim or voucher which has been paid, at any time after five (5) years from the date the same was canceled and paid.

9. To review the school district budget periodically and make appropriate budget adjustments to reflect the availability of funds and the requirements of the school district. Revenue derived from maintenance and operation levies made pursuant to section 33-802, Idaho Code, shall be excluded from budget adjustments as provided in this paragraph. Any person or persons proposing a budget adjustment under this section shall notify in writing each member of the board of trustees one (1) week prior to the meeting at which such proposal will be made. Prior to the final vote on such a proposal, notice shall be posted and published once, as prescribed in section 33-401, Idaho Code. A budget adjustment shall not be approved unless voted affirmatively by sixty per cent (60%) of the members of the board of trustees. Such amended budgets shall be submitted to the state board of education.

Passed by House 2/5/76
Passed by Senate 3/4/76
Signed by Governor 3/10/76

IN THE HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 408
BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO THE DISBURSEMENT OF A PORTION OF THE MINERAL LEASING ROYALTIES TO COUNTIES IMPACTED BY EXTRACTION OF MINERALS; AMENDING SECTION 33-903, IDAHO CODE, TO PROVIDE FOR A CHANGE IN THE PERCENTAGE OF MINERAL LEASING ROYALTIES TO BE DEPOSITED INTO THE PUBLIC SCHOOL INCOME FUND; AMENDING TITLE 57, CHAPTER 13, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 57-1306, IDAHO CODE, TO PROVIDE THAT TEN PERCENT OF THE MONEYS RECEIVED BY THE STATE FROM THE FEDERAL GOVERNMENT FROM SALES, BONUSES, ROYALTIES OR RENTALS OF OIL, GAS OR MINERAL LANDS OF THE FEDERAL GOVERNMENT BE DISBURSED TO THE COUNTIES IMPACTED BY MINERAL LEASES ON A PROPORTIONATE BASIS, AND TO PROVIDE THAT THE REMAINING NINETY PERCENT OF SUCH MONEYS BE DEPOSITED INTO THE PUBLIC SCHOOL INCOME FUND.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-903, Idaho Code, be, and the same is hereby amended to read as follows:

33-903. PUBLIC SCHOOL INCOME FUND. The public school income fund is that fund in the treasury of the state of Idaho to which are credited all income from the public school fund; the proceeds of all state taxes levied for public school purposes; grants of moneys from the federal government for public school purposes when other disposition is not specified by law; ninety percent (90%) of any moneys received by any department of state government from the federal government from sales, royalties, bonuses or rentals of oil, gas or mineral lands; legislative appropriations in support of the public schools, and other moneys required by the law of the federal government or of the state of Idaho to be made a part of said fund and credited thereto.

SECTION 2. That Chapter 13, Title 57, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 57-1306, Idaho Code, and to read as follows:

57-1306. MINING LEASES IMPACT FUNDS TO COUNTY. (1) Upon receipt of any moneys from the federal government from sales, royalties, bonuses or rentals of oil, gas or mineral lands of the federal government, the state treasurer shall remit ten percent (10%) of such receipts to the general fund of the several counties from which the resources were extracted. The state treasurer shall compute a particular county's share of such receipts by computing the proportion of the moneys generated by sales, royalties, bonuses or rentals of federal lands situated within that particular county to the total of moneys received from the federal government from sales, royalties, bonuses or rentals of all

oil, gas or mineral lands of the federal government within the state of Idaho for the same period. The moneys remitted to the various counties according to the provisions of this section shall be used for the construction and the maintenance of public roads or for the support of public schools.

(2) The remaining ninety percent (90%) of any moneys received from the federal government from sales, royalties, bonuses or rentals of oil, gas or mineral lands of the federal government shall be deposited into the public school income fund, pursuant to the provisions of section 33-903, Idaho Code.

Passed by House 2/4/76
Passed by Senate 2/19/76
Signed by Governor 3/1/76

IN THE HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 526
BY EDUCATION COMMITTEE

AN ACT

RELATING TO DECREASE IN WEIGHTED AVERAGE DAILY ATTENDANCE; AMENDING SECTION 33-1009A, IDAHO CODE, BY PROVIDING THAT ANY SCHOOL DISTRICT WHICH HAS A DECREASE IN TOTAL WEIGHTED AVERAGE DAILY ATTENDANCE OF AT LEAST THREE PERENT OR TWENTY-FIVE WEIGHTED AVERAGE DAILY ATTENDANCE, MAY USE THE WEIGHTED AVERAGE DAILY ATTENDANCE OF THE IMMEDIATELY PRECEDING SCHOOL YEAR LESS THREE PERCENT OR TWENTY-FIVE WEIGHTED AVERAGE DAILY ATTENDANCE, WHICHEVER IS THE GREATER, AND BY PROVIDING THAT THIS PROVISION MAY NOT BE UTILIZED IN TWO CONSECUTIVE YEARS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-1009A, Idaho Code, be, and the same is hereby amended to read as follows:

33-1009A. DECREASE IN WEIGHTED AVERAGE DAILY ATTENDANCE ~~IN 1972-73~~. For ~~the school year 1972-73 only,~~ any school district which has a decrease in total weighted average daily attendance of three percent (3%) of its weighted average daily attendance, but not less than twenty-five (25) or more students in the then current school year from the total weighted average daily attendance used for determining the allowance in the foundation educational program for the school year ~~1971-72~~, immediately preceding the allowance of funds from the foundation educational program shall be based on the ~~greater total average weighted~~ weighted average daily attendance of the school year immediately preceding less three percent (3%) or less twenty-five (25) weighted average daily attendance, whichever is greater; provided, however, no school district shall utilize the provisions of this section in two consecutive years.

Passed by House 2/28/76
Passed by Senate 3/10/76
Signed by Governor 3/17/76

IN THE SENATE
SENATE BILL NO. 1360
BY HEALTH, EDUCATION AND WELFARE COMMITTEE

AN ACT

RELATING TO SICK LEAVE FOR SCHOOL DISTRICT EMPLOYEES; AMENDING SECTION 33-1216, IDAHO CODE, BY PROVIDING THAT THE BOARD OF TRUSTEES MAY SUPPLEMENT THE WORKMEN'S COMPENSATION PAYMENT AND ESTABLISHING A MAXIMUM.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-1216, Idaho Code, be, and the same is hereby amended to read as follows:

33-1216. SICK AND OTHER LEAVE. (a) At the beginning of each new employment year and thereafter as necessary during the employment year, each certificated and noncertificated employee of any school district, including charter districts, shall be entitled to sick leave with full pay of one (1) day for each month of service, or major portion thereof as projected for the employment year, subject to the limitations provided by this chapter. The local board of trustees shall not provide compensation for unused sick leave.

(b) The board of trustees may require proof of illness adequate to protect the district against malingering and false claims of illness.

Each local board of trustees may establish a policy governing leave for certificated and noncertificated employees in the case of illness or death of members of the families of such employees, for professional conferences and workshops, and for such other purposes as the board may determine. ~~The local board of trustees shall not provide compensation for unused sick leave.~~

(c) Each local board of trustees may establish a policy governing leave for certificated and noncertificated employees in the case of absence during a period for which the employee is paid by workmen's compensation. In addition the board may supplement the workmen's compensation payment by an amount not to exceed an amount which when combined with the workmen's compensation payment would be equal to the amount the employee would have been paid if he had not been injured. Time for which a person is paid workmen's compensation shall not be allowed as sick leave.

(d) The board of trustees of any school district, including any specially chartered district, may also grant a leave of absence to any certificated employee of such district for service to a professional educational organization of which such certificated employee is a member and has been elected to hold the office of president therein, such leave to be for a period not exceeding one (1) year. During the period of any such leave of absence the said certificated employee shall receive the same compensation and receive or

accrue such other rights and benefits that he would have been entitled to or have received or accrued had he been present and working for the school district, and he shall remain an active member of the public employee retirement system of Idaho; provided that such professional educational organization shall first pay to the said school district an amount equal to any and all compensation, contributions to the public employee retirement system of Idaho and any other amounts paid to or accrued in the name of said employee during such period.

Passed by Senate 2/21/76
Passed by House 3/11/76
Signed by Governor 3/24/76

IN THE HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 467
BY EDUCATION COMMITTEE

AN ACT

RELATING TO TRANSFER OF PUPILS; REPEALING SECTION 33-1402, IDAHO CODE, PROVIDING TRANSFER OF PUPILS BY APPLICATION; AMENDING SECTION 33-1403, IDAHO CODE, TO STRIKE OBSOLETE REFERENCES; AMENDING SECTION 33-1406, IDAHO CODE, TO PROVIDE THE CREDITOR DISTRICT MAY SUBMIT BILLS FOR TUITION TO PARENT OR GUARDIAN UNDER CERTAIN CONDITIONS, AND THAT THE PARENT OR GUARDIAN SHALL BE LIABLE FOR SUCH BILL IF SUBMITTED; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-1402, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Section 33-1403, Idaho Code, be, and the same is hereby amended to read as follows:

33-1403. TRANSFER OF PUPILS BY INITIATIVE OF THE BOARD OF TRUSTEES. Whenever the board of trustees of any school district shall determine that it is in the best interest of any of its pupils to attend school in another district within this state, the boards of trustees of the districts may annually agree, in writing, that such pupil or pupils shall be transferred to and attend the designated school or schools of the other district party to the agreement. In such a case neither the home district nor the parents nor guardian of the pupil involved shall be liable for any tuition charges~~, except as provided in section 33-1402, Idaho Code~~.

Whenever the board of trustees of any Idaho school district abutting upon another state shall determine that it is in the best interest of any of its pupils to attend school in a school district in such neighboring state, the board of trustees may annually agree, in writing, with the governing board of the nearest appropriate school district in the neighboring state for the education, and transportation if the school district attended abuts on the home district, of such pupil or pupils. Any such agreement shall specify the rate of tuition, and cost of transportation if any, to be paid by the Idaho school district, and the agreement shall be entered into the records of the board of trustees and a copy thereof filed with the state board of education.

The board of trustees of any Idaho school district, as a creditor district, may, subject to the approval of the state board of education, enter into an agreement with the governing body of any school district in another state, as the debtor district, to educate, and if necessary transport, any of the pupils of such debtor district upon such terms and conditions as may be agreed upon and approved, but the rate

of tuition to be charged by the Idaho school district shall be not less than the gross per-pupil cost of the credit district, as defined in section 33-1405, Idaho Code, plus the per-pupil costs paid by the state for the employer's share of social security, and the employer's share of retirement for the employees of the creditor district for the previous fiscal year, and other appropriate costs, all as determined by the state board of education. A copy of the agreement shall be entered into the records of the board of trustees and a copy thereof shall be filed with the state board of education.

SECTION 3. That Section 33-1406, Idaho Code, be, and the same is hereby amended to read as follows:

33-1406. BILLS OF TUITION. Bills of tuition for nonresident pupils shall be rendered by each creditor district. ~~For~~ and for nonresident pupils attending any school of the creditor district under the provisions of sections 33-1402A, 33-1403 or 33-1404, Idaho Code, the bill of tuition shall be submitted to the home district of such pupils. In all other cases, the creditor district ~~shall~~ may submit to the parent or guardian of any nonresident pupil attending school in its district a bill of tuition of such pupil, and such parent or guardian shall be liable for the payment of said tuition, if so billed.

Each bill of tuition submitted to a home district shall show the serial number of the tuition certificate last issued to the creditor district by the state board of education and shall show also the number of pupils for whom tuition is charged, which charge shall be as shown by the said tuition certificate.

Bills of tuition, if submitted other than annually, shall be apportioned according to the number of school months for which any such bill is applicable. A fraction of a school month shall be deemed a school month.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Passed by House 2/13/76
Passed by Senate 3/4/76
Signed by Governor 3/10/76

IN THE HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 437
BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

AMENDING SECTION 33-1707, IDAHO CODE, RELATING TO THE ALLOWABLE REIMBURSEMENT FOR DRIVER TRAINING PROGRAMS, BY INCREASING THE MAXIMUM ALLOWABLE REIMBURSEMENT PER PUPIL FROM FIFTY-FIVE DOLLARS TO SIXTY DOLLARS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-1707, Idaho Code, be, and the same is hereby amended to read as follows:

33-1707. REIMBURSEMENT -- DETERMINATION -- CERTIFICATION. a. From the data provided by the school district, as required by section 33-1706, Idaho Code, the state board of education shall compute the average of the number of pupils enrolling in the course and those completing the same, and determine for such average number, the per-pupil cost thereof.

The amount due the district from the driver training fund in the state treasury shall be the total cost of operating the program, or the average of the number enrolling in the course and those completing the same, multiplied by ~~fifty-five~~ sixty dollars (~~$55.00~~ $60.00), whichever is the lesser:

b. On or before the fifteenth day of March, and the fifteenth day of July, and the fifteenth day of October in each year, the state board of education shall certify to the state auditor a list of school districts having submitted the reports required in section 33-1706, Idaho Code, and the amount of money due to each as computed under the provisions of subsection a of this section. The state auditor shall draw his warrants against the driver training fund in the state treasury, in favor of the several districts entitled thereto, in the amount so certified. Annually, not later than the first day of September in each year, the state board of education shall cause the supervisor of driver training to prepare a report listing the names of the school districts having submitted the reports as required in section 33-1706, Idaho Code, and the amounts of money paid each as computed under the provisions of subsection a of this section.

Passed by House 2/12/76
Passed by Senate 3/8/76
Signed by Governor 3/16/76

IN THE SENATE
SENATE BILL NO. 1241
BY MITCHELL

AN ACT

RELATING TO THE LEASING OF SCHOOL BUSES TO NONPROFIT ORGANIZATIONS; AMENDING SECTION 33-1512, IDAHO CODE, TO STRIKE PROVISIONS WHICH RESTRICT LEASING OF SCHOOL BUSES TO NONPROFIT ORGANIZATIONS TO INTRACOUNTY SERVICE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-1512, Idaho Code, be, and the same is hereby amended to read as follows:

33-1512. LEASING OF SCHOOL BUSES TO NONPROFIT ORGANIZATIONS. The board of trustees of a school district is hereby authorized to lease school buses or other passenger equipment of the district to nonprofit organizations for the purpose of transporting elderly and/or handicapped persons to and from the site of activities or programs. Such leasing agreements may be entered into only when commercial bus transportation is not reasonably available for lease or general use by nonprofit organizations serving elderly and/or handicapped persons~~, and such leasing agreements shall be restricted to intracounty service~~. School buses operated under the provisions of this section shall be exempt from the provisions of section 49-752a, Idaho Code.

Passed by Senate 3/2/76
Passed by House 3/11/76
Signed by Governor 3/19/76

IN THE SENATE
SENATE BILL NO. 1328
BY HEALTH, EDUCATION AND WELFARE COMMITTEE

AN ACT

REPEALING SECTION 39-1903, IDAHO CODE, REQUIRING FIRE ESCAPES ON ALL MULTIPLE STORIED SCHOOL BUILDINGS AND REQUIRING FIRE ESCAPE INSPECTIONS AND FIRE DRILLS IN SCHOOLS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 39-1903, Idaho Code, be, and same is hereby repealed.

Passed by Senate 2/13/76
Passed by House 2/23/76
Signed by Governor 3/2/76

IN THE HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 668
BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO CONTESTS OF MILL LEVY INCREASE ELECTIONS; AMENDING SECTION 34-2001A, IDAHO CODE, TO PROVIDE THAT ELECTIONS BY SCHOOL DISTRICTS FOR MILL LEVY INCREASES AS AUTHORIZED BY SECTIONS 33-802, 33-803 AND 33-804, IDAHO CODE, MAY BE CONTESTED.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 34-2001A, Idaho Code, be, and the same is hereby amended to read as follows:

34-2001A. BOND ELECTION AND MILL LEVY CONTESTS -- TIME FOR FILING -- VALIDATION OF ELECTIONS AND BONDS. A. The provisions of this chapter with respect to the contest of elections shall be applicable to bond elections conducted by cities, counties, school districts and water and sewer districts, and to elections conducted by school districts for mill levy increases as authorized by sections 33-802, 33-803 and 33-804, Idaho Code. Any such contest shall be regarded as one contesting the outcome of the vote on the bond or mill levy proposition, rather than election to office, and the public entity calling the election rather than a person declared to have been elected to office, shall be regarded as the defendant.

B. When the validity of any bond or mill levy election is contested upon any of the grounds enumerated in section 34-2001, Idaho Code, or upon any other grounds whatsoever the plaintiff or plaintiffs must, within forty (40) days after the votes are canvassed and the results thereof declared, file in the proper court a verified written complaint setting forth, in addition to the other requirements of this chapter, the following:

(1) The name of the party contesting the bond or mill levy election, and that he is an elector of the public entity conducting the bond or mill levy election.

(2) The proposition or propositions voted on at the election which are contested.

(3) The particular grounds of such contest.

C. No such election contest shall be maintained and no bond or mill levy election shall be set aside or held invalid unless a complaint is filed as permitted hereunder within the period prescribed in this section. As to bond or mill levy elections which have been held prior to the effective date ~~(March 21, 1969)~~ of this act, no such contest shall be maintained wherein it is alleged that the ~~bond~~ election should be set aside or held on any ground enumerated in section 34-2001, Idaho Code, or on any other ground,

unless such ~~bond~~ election contest be filed as herein provided within forty (40) days from and after the effective date of this act.

D. All bond elections conducted by cities, counties, school districts and water and sewer districts prior to the effective date of this act, and all proceedings had in the authorization and issuance of the bonds authorized thereat, are hereby validated, ratified and confirmed and all such bonds are declared to constitute legally binding obligations in accordance with their terms. Nothing in this section shall be construed to affect or validate any bond election, or bonds issued pursuant thereto, the legality of which is being contested at the time this act takes effect, or any election the legality of which is contested within the forty (40) day period from and after the effective date of this act.

Passed by House 3/6/76
Passed by Senate 3/16/76
Signed by Governor 3/31/76

IN THE HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 375
BY BUSINESS COMMITTEE

AN ACT

RELATING TO GROUP LIFE INSURANCE; AMENDING SECTION 41-2009, IDAHO CODE, TO STRIKE THE LIMITATION ON CERTAIN GROUP POLICIES WHICH LIMITS THE AMOUNT OF INSURANCE WITH RESPECT TO SPOUSES AND CHILDREN.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 41-2009, Idaho Code, be, and the same is hereby amended to read as follows:

41-2009. DEPENDENTS' COVERAGE. Any group life policy issued under sections 41-2003 (employee groups), or 41-2004 (labor union groups), or 41-2006 (public employee groups), or 41-2007 (trustee groups) may be extended to insure the employees or members against loss due to the death of their spouses and minor children, or any class or classes thereof, subject to the following requirements:

(1) The premium for the insurance shall be paid by the policyholder, either from the employer's or union's funds or funds contributed by the employer or union, or from funds contributed by the insured employees or members, or from both. If any part of the premium is to be derived from funds contributed by the insured employees or members, the insurance with respect to spouses and children may be placed in force only if at least seventy-five per cent (75%) of the then eligible employees or members, excluding any as to whose family members evidence of insurability is not satisfactory to the insurer, elected to make the required contribution. If no part of the premium is to be derived from funds contributed by the employees or members, all eligible employees or members, excluding any as to whose family members evidence of insurability is not satisfactory to the insurer, must be insured with respect to their spouses and children.

(2) The amounts of insurance must be based upon some plan precluding individual selection either by the employees or members or by the policyholder, employer or union~~;-and with-respect-to-any-spouse-of-such-employee-or-member-shall not-exceed-one-half-(1/2)-of-the-amount-of-insurance-on-the life-of-the-employee-or-member,-but-not-to-exceed-five-thousand-dollars*-($5,000),-and-shall-not-exceed-one-thousand dollars-($1,000)-with-respect-to-any-child~~.

(3) Upon termination of the insurance with respect to the members of the family of any employee or member by reason of the employee's or member's termination of employment, termination of membership in the class or classes eligible for coverage under the policy, or death, the spouse

* (dollars)--error in printed bill.

shall be entitled to have issued by the insurer, without evidence of insurability, an individual policy of life insurance, without disability or other supplementary benefits, providing application for the individual policy shall be made, and the first premium paid to the insurer, within thirty-one (31) days after such termination, subject to the requirements of subdivisions (1), (2) and (3) of section 41-2018 of this chapter. If any group policy terminates or is amended so as to terminate the insurance of any class of employees or members and the employee or member is entitled to have issued an individual policy, under section 41-2019 of this chapter, the spouse shall also be entitled to have issued by the insurer an individual policy, subject to the conditions and limitations provided above. If the spouse dies within the period during which he would have been entitled to have an individual policy issued in accordance with this provision, the amount of life insurance which he would have been entitled to have issued under such individual policy shall be payable as a claim under the group policy, whether or not application for the individual policy or the payment of the first premium therefor has been made.

(4) Notwithstanding section 41-2017 of this chapter, only one (1) certificate need be issued for delivery to an insured person if a statement concerning any dependent's coverage is included in such certificate.

Passed by House 2/13/76
Passed by Senate 3/8/76
Signed by Governor 3/16/76

IN THE HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 330
BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO MINIMUM WAGES; AMENDING SECTION 44-1502, IDAHO CODE, TO PROVIDE THAT THE MINIMUM WAGE RATE FOR EMPLOYEES AS DEFINED IN CHAPTER 15, TITLE 44, IDAHO CODE, SHALL BE INCREASED ON JULY 1, 1976 TO TWO DOLLARS PER HOUR AND ON JANUARY 1, 1977, TO TWO DOLLARS AND TWENTY CENTS PER HOUR AND ON JULY 1, 1977, TO TWO DOLLARS AND THIRTY CENTS PER HOUR; REPEALING SECTION 44-1508, IDAHO CODE; AMENDING CHAPTER 15, TITLE 44, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 44-1508, IDAHO CODE, TO PROVIDE FOR ENFORCMENT OF CHAPTER 15, TITLE 44, IDAHO CODE; REPEALING SECTION 44-1509, IDAHO CODE; AMENDING CHAPTER 15, TITLE 44, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 44-1509, IDAHO CODE, TO PROHIBIT DISCHARGING OR DISCRIMINATION AGAINST AN EMPLOYEE'S ASSERTING RIGHTS UNDER THE MINIMUM WAGE LAW; AND REPEALING SECTION 44-1510, IDAHO CODE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 44-1502, Idaho Code, be, and the same is hereby amended to read as follows:

44-1502. MINIMUM WAGES. Except as hereinafter otherwise provided, no employer shall pay to any of his employees any wages computed at a rate of less than one dollar and forty cents ($1.40) commencing July 1, 1971 and one dollar and sixty cents ($1.60) commencing July 1, 1972, two dollars ($2.00) commencing July 1, 1976, and two dollars and twenty cents ($2.20) commencing January 1, 1977, and two dollars and thirty cents ($2.30) commencing July 1, 1977, per hour for employment.

SECTION 2. That Section 44-1508, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Chapter 15, Title 44, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 44-1508, Idaho Code, and to read as follows:

44-1508. ENFORCEMENT. (1) When the director of the department of labor and industrial services has reason to believe that an employer is engaged in an act or practice which violates or will violate a provision of chapter 15 title 44, Idaho Code, he may bring an action in a court of competent jurisdiction to enjoin the act or practice, and to enforce compliance with the provisions of chapter 15, title 44, Idaho Code. Upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond.

(2) A claim for unpaid minimum wages as set forth in

section 44-1502, Idaho Code, may be treated as a claim for wages due and owing under chapter 6, title 45, Idaho Code. Enforcement or suit under chapter 6, title 45, Idaho Code, for unpaid minimum wages may be commenced by the employee or employees affected, or by the department of labor and industrial services whether a wage claim has been filed with the department or not. Such claim shall not be subject to the limitation contained in section 45-615(1), Idaho Code, if brought by the department of labor and industrial services. Any action for such wages must be commenced in a court of competent jurisdiction within two (2) years after the cause of action shall have accrued.

SECTION 4. That Section 44-1509, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Chapter 15, Title 44, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 44-1509, Idaho Code, and to read as follows:

44-1509. DISCHARGING OR DISCRIMINATING AGAINST EMPLOYEE'S ASSERTING RIGHTS UNDER MINIMUM WAGE LAW PROHIBITED. No employer shall discharge or in any other manner discriminate against any employee:

(1) Because the employee has made complaint that he has not been paid wages in accordance with chapter 15, title 44, Idaho Code.

(2) Because the employee has caused to be instituted or is about to cause to be instituted any proceedings under or related to chapter 15, title 44, Idaho Code.

(3) Because the employee has testified or is about to testify in any proceedings under or related to chapter 15, title 44, Idaho Code.

SECTION 6. That Section 44-1510, Idaho Code, be, and the same is hereby repealed.

Passed by House 2/17/76
Passed by Senate 2/26/76
Signed by Governor 3/4/76

IN THE SENATE
SENATE BILL NO. 1359
BY HEALTH, EDUCATION AND WELFARE COMMITTEE

AN ACT

AMENDING SECTION 44-1506, IDAHO CODE, RELATING TO STUDENTS IN ACCREDITED SECONDARY SCHOOL WORK TRAINING PROGRAMS AND PROVIDING DEFINITIONS OF A SECONDARY SCHOOL PROGRAM.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 44-1506, Idaho Code, be, and the same is hereby amended to read as follows:

44-1506. APPRENTICE. For any employment in which the minimum wage is applicable, the director of the department of labor and industrial services may issue to an apprentice or learner a special license authorizing the employment of such apprentice or learner for the time and under the conditions which he determines and at a wage less than the minimum wage established by this act. Apprentice or learner shall include a student or students enrolled in a bona fide secondary school program administered by an accredited school district which includes work training experience. The director may hold such hearings and conduct such investigations as he shall deem necessary before fixing a special wage for such apprentice or learner.

Passed by Senate 3/6/76
Passed by House 3/11/76
Signed by Governor 3/24/76

IN THE SENATE
SENATE BILL NO. 1389
BY HEALTH, EDUCATION AND WELFARE COMMITTEE

AN ACT

AMENDING SECTION 72-1316, IDAHO CODE, RELATING TO COVERED EMPLOYMENT, EMPLOYMENT SECURITY ACT, BY PROVIDING EXEMPTION FOR SECONDARY SCHOOL STUDENTS PARTICIPATING IN A WORK TRAINING PROGRAM.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 72-1316, Idaho Code, be, and the same is hereby amended to read as follows:

72-1316. COVERED EMPLOYMENT. (a) The term "covered employment" means an individual's entire service, including service in interstate commerce, performed by him for wages or under any contract of hire, written or oral, express or implied, except--

(1) Agricultural labor, as defined by section 72-1304, Idaho Code;

(2) Service performed as domestic service in a private home, local college club, or local chapter of a college fraternity or sorority;

(3) (A) Service performed by an individual in the employ of his spouse;

(B) Service performed by a child under the age of twenty-one (21) years in the employ of his father or mother;

(C) Service performed by a student or students enrolled in a bona fide secondary school program administered by an accredited school district which includes work training experience not exceeding twenty (20) hours per week;

(4) Service performed in the employ of the United States government or an instrumentality of the United States exempt under the Constitution of the United States from the contributions imposed by this act except that, to the extent that the Congress of the United States shall permit states to require any instrumentality of the United States to make payments into a fund under a state unemployment compensation or insurance law, all of the provisions of this act shall be applicable to such instrumentalities and to services performed for such instrumentalities, in the same manner, to the same extent, and on the same terms as to all other covered employers, persons, individuals, and services; provided, that if this state shall not be certified for any year by the secretary of labor under section 3304 of the Federal Internal Revenue Code of 1954, the payments required of such instrumentality with respect to such year shall be refunded by the director from the employment security fund in the same manner and within the same period as is provided

in section 72-1357, Idaho Code, with respect to contributions erroneously collected;

(5) Service performed in the employ of any state other than Idaho, or any political subdivision thereof, or any instrumentality of the foregoing which is wholly owned by such other states or political subdivisions; and any service performed in the employ of any instrumentality of one or more other states or political subdivisions to the extent that the instrumentality is, with respect to such service, exempt under the Constitution of the United States from the tax imposed by chapter 23, subtitle C of the Federal Internal Revenue Code of 1954;

(6) Service performed in the employ of any public institution or instrumentality which acquires its operating funds primarily through direct or indirect taxation, including but not limited to, counties, municipalities, highway districts, drainage districts, cemetery districts, and school districts; provided, however, that service performed in the employ of irrigation districts and soil conservation districts shall be considered covered employment;

(7) Service performed:

(A) In the employ of (1) a church or convention or association of churches, solely in religious activities, or (2) an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church, or convention or association of churches; or

(B) In the employ of a public or parochial school which is not an institution of higher education, or if an institution of higher education it is devoted primarily to preparation of a student for the ministry or training candidates to become members of a religious order; or

(C) By a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or

(D) In a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market by an individual receiving such rehabilitation or remunerative work; or

(E) As part of an unemployment work relief program or as part of an unemployment work training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work relief or work training.

(8) Service with respect to which unemployment compensation or insurance is payable under an unemployment compensation system established by an act of Congress other than the Social Security Act:

(9) Service performed as a student nurse in the employ of a hospital or nurses' training school by an individual

who is enrolled and is regularly attending courses in a nurses' training school chartered or approved pursuant to the state law, and service performed as an intern in the employ of a hospital by an individual who has completed a course in a medical school chartered or approved pursuant to state law;

(10) Service performed by an individual under the age of eighteen (18) years in the delivery or distribution of newspapers or shopping news not including delivery or distribution to any point for subsequent delivery or distribution; and

(A) Service performed by an individual for a person as an insurance agent or as an insurance solicitor, if all such service performed by such individual for such person is performed for remuneration solely by way of commission; and

(B) Service performed by an individual for a real estate broker as an associate real estate broker or as a real estate salesman, if all such service performed by such individual for such person is performed for remuneration solely by way of commission.

(11) Service covered by an election duly approved by the agency charged with the administration of any other state or federal employment compensation or unemployment insurance law, in accordance with an arrangement pursuant to section 72-1344, Idaho Code, during the effective period of such election.

(12) Service performed in the employ of a school or college by a student who is enrolled and regularly attending classes at such school or college;

(13) Service performed in the employ of a hospital by a patient during the time that he is a patient of such hospital;

(b) Notwithstanding any of the other provisions of this section, services shall be deemed to be in covered employment if with respect to such services a tax is required to be paid or was required to be paid the previous year pursuant to the provisions of the federal unemployment tax act imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund or which as a condition for full tax credit against the tax imposed by the federal unemployment tax act is required to be covered under this act.

(c) Services covered by an election pursuant to section 72-1352, Idaho Code, and services covered by an election duly approved by the director in accordance with an arrangement pursuant to section 72-1344, Idaho Code, shall be deemed to be covered employment during the effective period of such election.

(d) Services performed by an individual for remuneration shall, for the purposes of the Employment Security Law, be covered employment:

(1) Unless it is shown:

(A) that the worker has been and will continue to be free from control or direction in the performance of his

work, both under his contract of service and in fact, and

(B) that the worker is engaged in an independently established trade, occupation, profession or business;

(2) Even though such individual meets the exemption of subsection (d) (1) (A) and (B) of this section but performs services;

(A) As an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages, or laundry or dry cleaning services for his principal;

(B) As a traveling or city salesman engaged upon a full-time basis in the solicitation on behalf of, and the transmission to his principal (except for side line sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations.

(e) The term "covered employment" shall include an individual's entire service, performed within or both within and without this state,

(1) if the service is localized in this state; or

(2) if the service is not localized in any state but some of the service is performed in this state and

(A) The individual's base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled, is in this state, or

(B) the individual's base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed but the individual's residence is in this state.

(3) Service shall be deemed to be localized within a state if

(A) the service is performed entirely within such state; or

(B) the service if performed both within and without such state, but the service performed without such state is incidental to the individual's service within the state, for example, is temporary or transitory in nature or consists of isolated transactions.

(4) The term "covered employment" shall include an individual's service, wherever performed within the United States, the Virgin Islands, or Canada, if

(A) such service is not covered under the unemployment compensation law of any other state, the Virgin Islands, or Canada, and

(B) the place from which the service is directed or controlled is in this state.

(f) The term "covered employment" shall include the services of an individual who is a citizen of the United States, performed outside the United States, (except in Canada or the Virgin Islands) in the employ of an American employer (other than service which is deemed "covered employment" under the provisions of subsection (e) of this section or the parallel provisions of another state's law);

if

(1) the employer's principal place of business in the United States is located in this state; or

(2) the employer has no place of business in the United States; but

(A) the employer is an individual who is a resident of this state; or

(B) the employer is a corporation which is organized under the laws of this state; or

(C) the employer is a partnership or a trust and the number of the partners or trustees who are residents of this state is greater than the number who are residents of any other state; or

(3) None of the criteria of provisions of (1) or (2) of this subsection (e) are met but the employer has elected coverage in this state, or the employer having failed to elect coverage in any state, the individual has filed a claim for benefits based on such service, under the law of this state;

(4) An "American employer" for purposes of this subparagraph means a person who is:

(A) an individual who is a resident of the United States; or

(B) a partnership if two-thirds (2/3) or more of the partners are residents of the United States; or

(C) a trust if all of the trustees are residents of the United States; or

(D) a corporation organized under the laws of the United States or of any state;

(5) For purposes of this subsection (f) the term "United States" means the states, the District of Columbia, and the Commonwealth of Puerto Rico.

Passed by Senate 3/6/76
Passed by House 3/11/76
Signed by Governor 3/24/76

IN THE HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 357
BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO DEFINITION OF RESIDENT FOR DRIVER'S LICENSE; AMENDING SECTION 49-304, IDAHO CODE, TO PROVIDE FOR A DEFINITION OF A "RESIDENT."

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 49-304, Idaho Code, be, and the same is hereby amended to read as follows:

49-304. NONRESIDENT -- RESIDENT. ~~Every~~ Nonresident is every person who is not a resident of this state. Resident, for the purpose of this chapter, shall mean every person who has resided continuously in the state of Idaho for a period of ninety (90) days or any person residing in the state of Idaho and gainfully employed in the state of Idaho, notwithstanding that the period of residing therein is less than ninety (90) days.

Passed by House 2/5/76
Passed by Senate 3/1/76
Signed by Governor 3/5/76

IN THE HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 479
BY HEALTH AND WELFARE COMMITTEE

AN ACT

AMENDING TITLE 54, IDAHO CODE, BY THE ADDITION THERETO OF A NEW CHAPTER 32, TITLE 54, IDAHO CODE, RELATING TO SOCIAL WORK LICENSING; PROVIDING A PURPOSE AND LEGISLATIVE INTENT; PROVIDING DEFINITIONS; PROVIDING FOR THE CREATION OF A STATE BOARD OF SOCIAL WORK EXAMINERS, APPOINTMENTS AND TERMS; PROVIDING FOR THE POWERS AND DUTIES OF THE BOARD; ESTABLISHING A SOCIAL WORK EXAMINERS ACCOUNT; PROVIDING FOR LICENSING AND QUALIFICATION; PROVIDING FOR THE LICENSING OF PRIVATE PRACTICE OF SOCIAL WORK; PROVIDING EXEMPTIONS FROM EXAMINATIONS; PROVIDING FOR FEES, PROVIDING FOR DURATION OF LICENSES; PROVIDING FOR A CODE OF ETHICS; PROVIDING FOR REVOCATION OR SUSPENSION OF LICENSES, HEARINGS AND APPEAL; PROVIDING FOR PRIVILEGED COMMUNICATION; PROVIDING FOR REPRESENTATION TO THE PUBLIC IN CERTAIN CATEGORIES; PROVIDING FOR EXEMPTIONS; PROVIDING FOR THE RIGHT AND DUTY OF THE ATTORNEY GENERAL AND PROSECUTING ATTORNEYS; PROVIDING THAT VIOLATION OF THIS ACT IS A MISDEMEANOR; AND AMENDING SECTION 67-2601, IDAHO CODE, TO PROVIDE FOR THE ADDITION OF THE STATE BOARD OF SOCIAL WORK EXAMINERS TO THE DEPARTMENT OF SELF-GOVERNING AGENCIES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 32, Title 54, Idaho Code, and to read as follows:

CHAPTER 32

SOCIAL WORK LICENSING ACT

54-3201. PURPOSE -- LEGISLATIVE INTENT. Recognizing that the profession of social work involves the application of a special knowledge of social resources, social systems, human capabilities, and the part that conscious and unconscious motivation plays in determining behavior, and further recognizing that social work profoundly affects the lives of people of the state of Idaho, it is the legislative intent and purpose of this act to protect the public by setting standards of qualification, education, training and experience, and professional competence for those who engage in the practice of social work.

54-3202. DEFINITIONS. As used in this chapter, the terms defined in this section shall have the following meaning, unless the context clearly indicates another meaning.

(1) "Board" means the state board of social work examiners hereinafter provided in this chapter.

(2) "Social work" is defined as the professional activity of helping individuals, groups or communities enhance or

restore their capacity for social functioning and creating societal conditions favorable to this goal. Social work practice consists of the professional application of social work values, principles, and techniques. The practice of social work requires knowledge of human development and behavior of social, economic and cultural institutions and of the interaction of all these factors.

(3) "Certified social worker" means an individual who has a doctorate or master's degree in social work from a college or university approved by the board.

(4) "Social worker" means an individual who has a baccalaureate degree in social work or related fields from a college or university approved by the board.

54-3203. STATE BOARD OF SOCIAL WORK EXAMINERS -- CREATED -- APPOINTMENTS -- TERMS. (1) A state board of social work examiners is hereby created and made a part of the department of self-governing agencies. It shall be the duty of the board to administer the provisions of this act pursuant to the provisions of chapters 26 and 52, title 67, Idaho Code. The board shall consist of five (5) members, three (3) of which shall be certified social workers, and two (2) of which shall be social workers. Board members shall be appointed by the governor after reviewing and considering a list of three (3) nominees for each position to be filled, submitted to him by the executive board of the Idaho chapter of the national association of social workers. The board shall be appointed within thirty (30) days after the effective date of this act for terms beginning on the effective date of this act, and shall serve the following terms commencing upon appointment: one (1) shall be appointed for a term of one (1) year; one (1) for a term of two (2) years; one for a term of three (3) years; one for a term of four (4) years; and one for a term of five (5) years. Thereafter all terms shall be for a period of five (5) years. Whenever a vacancy occurs, the governor shall appoint a qualified person to fill the vacancy for the unexpired term after reviewing and considering a list of three (3) nominees supplied by the executive board of the Idaho chapter of the national association of social workers.

(2) All members of the board shall be citizens of the United States, residents of the state of Idaho, and shall be eligible for licensing as provided by this act.

(3) The members of the board shall, at their first regular meeting following the effective date of this act and every two (2) years thereafter, elect by a majority vote of the members of the board, a chairman who shall preside at meetings of the board. In the event the chairman is not present at any board meeting, the board may by majority vote of the members present appoint a temporary chairman. A majority of the members of the board shall constitute a quorum.

(4) Each member of the board shall be reimbursed for actual traveling, incidental and clerical expenses necessarily incurred while actually engaged in the services of the

board.

54-3204. BOARD -- POWERS AND DUTIES. The board shall have the following powers and duties:

(1) Adopt and amend rules and regulations to administer and carry out the provisions of this act and for the conduct of its affairs, provided that such rules and regulations shall be promulgated in accordance with the provisions of chapters 26 and 52, title 67, Idaho Code;

(2) Annually publish a list of the names and addresses of all persons licensed under this act;

(3) At its discretion, contract with the bureau of occupational licenses for such clerical and administrative help as deemed necessary for the proper administration of this act.

54-3205. DISPOSITION OF RECEIPTS -- EXPENSES -- REFUND. All fees received under the provisions of this act shall be deposited in the state treasury to the credit of the occupational license fund and all costs and expenses incurred by the board under the provisions of this act shall be a charge against and paid from said fund for such purposes, and the funds collected hereunder shall be immediately available for the administration of this act, the provisions of any other law notwithstanding. In no instance will the occupational license fund be obligated to pay any claims which in aggregate with claims already paid exceed the income to the occupational license fund which has been derived by the application of this act.

The money paid into the occupational license fund is continuously appropriated to the board for expenditure in the manner prescribed herein to defray the expenses of the board and in carrying out and enforcing the provisions of this act.

54-3206. LICENSING -- QUALIFICATIONS. The board shall issue licenses to qualified applicants who, in addition to qualifications enumerated in section 54-3202, Idaho Code, have passed an examination conducted by the board and are of good moral character.

54-3207. PRIVATE AND INDEPENDENT PRACTICE OF SOCIAL WORK. On and after July 1, 1976, no person shall engage in the private and independent practice of social work unless he is licensed under this act as a certified social worker and has had two (2) years of post-graduate experience under appropriate supervision as determined by the board in review of the applicant's qualification.

54-3208. EXEMPTIONS FROM EXAMINATION REQUIREMENTS. (1) Any person who is, or is eligible to be, a member of the academy of certified social workers of the national association of social workers shall be considered by the board as meeting the requirements for a licensed certified social worker. This provision shall be effective until one (1) year after the effective date of this act. Thereafter, all applicants for a license must meet the licensing requirements of this act.

(2) An applicant shall be exempted from the requirement

for any examination provided for herein and academic qualifications required herein if he satisfies the board that he is and has been actually engaged for at least two (2) years in the practice of social work or equivalent training and has acquired knowledge equivalent to what would be required to pass the board's examination. Such application for exemption and licensing must be made within two (2) years of the effective date of this act, and during those two (2) years any person may practice social work under the supervision of a licensed social worker.

(3) An applicant shall be exempted totally from the requirement for any examination provided herein if:

(a) He satisfied the board that he is licensed or registered under the laws of another state or territory that imposes substantially the same requirements as provided by this act; or

(b) He has taken and passed an examination similar to that for which exemption is sought.

54-3209. FEES -- LICENSING -- DURATION OF LICENSES. Each person licensed to practice social work shall pay to the treasurer of the state of Idaho a license fee, not to exceed fifty ($50.00) as determined by the board, on July 1 of each year for the following fiscal year. Licenses shall expire on the last day of the month of June following their issuance and shall become invalid after that date. Renewal may be affected at any time during the fiscal year by the payment of the fee for the balance of the fiscal year.

54-3210. CODE OF ETHICS. The board shall prepare and adopt a code of ethics and may revise and amend such code from time to time. Preparation, revision, amendment and distribution of said code of ethics shall be pursuant to the provisions of chapters 26 and 52, title 67, Idaho Code.

54-3211. REFUSAL TO RENEW, SUSPENSION OR REVOCATION OF LICENSE -- UNPROFESSIONAL CONDUCT. The department may refuse to renew, may suspend, or may revoke any license issued under this act upon proof, after a hearing, that the person has engaged in "unprofessional conduct." The words "unprofessional conduct" as relating to persons licensed under this act are defined to include but not limited to:

(1) Conviction of a felony, or of any offense involving moral turpitude.

(2) Habitual drunkenness or addiction to habit-forming drugs, either of which impair the ability to perform his work without danger to himself or the public he serves.

(3) Conviction of fraud or deceit in connection with services rendered as a certified social worker or social worker, or in establishing qualifications under this act.

(4) Aiding or abetting a person not licensed under this act or a person representing himself as licensed in the practice of social work in the state of Idaho.

(5) Failing to be licensed or continuing to represent himself as licensed after the expiration of his license.

(6) Being found guilty of unprofessional conduct by the

rules established by the board.

54-3212. REVOCATION OR SUSPENSION OF LICENSES -- HEARINGS -- TAKING TESTIMONY -- APPEAL. The board shall have the power to revoke or suspend any license if the same was obtained through error or fraud, or if the holder thereof is shown to be incompetent, or has willfully violated any of the rules or regulations prescribed by the board, or as prescribed by this act, provided, before any license shall be revoked or suspended, the holder thereof shall have written notice enumerating the charges against him and a hearing by an officer, appointed by the board or the chief of the bureau of occupational licenses, shall be held after notice has been served on the licensee. Provisions of chapter 52, title 67, Idaho Code, shall apply to all cases of revocation or suspension of licenses.

The chief of the bureau of occupational licenses shall have the power to appoint, by an order in writing, any competent person to take testimony, who shall have power to administer oaths, issue subpoenas and compel the attendance of witnesses, and the decision of the board shall be based on examination of the testimony taken and the records produced. Any person whose license has been revoked may, after the expiration of two (2) years from the date of such revocation, but not before, apply for a new license.

54-3213. PRIVILEGED COMMUNICATIONS. No person licensed under the provisions of this act shall disclose any information he may have acquired from persons consulting him in his professional capacity that was necessary to enable him to render services in his professional capacity to those persons, except:

(1) With the written consent of that person or, in the case of death or disability, of his own personal representative, other person authorized to sue, or the beneficiary of an insurance policy on his life, health or physical condition;

(2) That a person licensed under the provisions of this act shall not be required to treat as confidential communication that reveals the contemplation or execution of a crime or harmful act;

(3) When the person is a minor under the laws of this state, and the information acquired by the licensee indicates that the minor was the victim or subject of a crime, the licensee may testify fully in relation thereto upon any examination, trial, or other proceeding in which the commission of such a crime is the subject of the inquiry;

(4) When the person waives the privilege by bringing charges against the licensee.

54-3214. LICENSE REQUIRED -- REPRESENTATION TO PUBLIC. (1) No person may engage in the practice of social work unless he is licensed under this act, is a student under the supervision of a person who is licensed under this act, or is a non-compensated volunteer providing services related to social work practice and is under the supervision of a licensed social worker.

(2) On and after the effective date of this act, no person shall be represented as a social worker by the use of titles "certified social worker," "social caseworker," "social service worker" or any other title that includes such words, or by adding the letters "CSW," "SW," "RSW," "SSW" or "SWA" unless licensed under the provisions of this act.

54-3215. EXEMPTIONS. Nothing within this act shall be construed to prevent any person from doing work within the standards and ethics of their respective professions or calling provided they do not hold themselves out to the public by title or description of service as being engaged in social work practice. Students enrolled in a recognized program of social work leading to a degree may practice only under the direct supervision of a certified social worker or social worker licensed under this act.

54-3216. ATTORNEY GENERAL -- PROSECUTING ATTORNEYS. It shall be the right and duty of the attorney general or the prosecuting attorneys of the various counties to represent and appear for the people of the state of Idaho and the board in all actions and proceedings involving any question under this act or under any order or act of said board and perform such other services as required.

54-3217. VIOLATIONS OF ACT A MISDEMEANOR. Any person who shall engage in the profession of social work as herein defined without a license as provided for by this act, or the rules or regulations of the board herein provided for, shall be guilty of a misdemeanor.

Section 2. That Section 67-2601, Idaho Code, be, and the same is hereby amended to read as follows:

67-2601. DEPARTMENT CREATED -- ORGANIZATION -- DIRECTOR -- BUREAU OF OCCUPATIONAL LICENSES CREATED. (1) There is hereby created the department of self-governing agencies. The department shall, for the purposes of section 20, article IV of the constitution of the state of Idaho, be an executive department of the state government.

(2) The department shall consist of the following:

(a) agricultural commodity commissions: Idaho apple commission, as provided by chapter 36, title 22, Idaho Code; Idaho bean commission as provided by chapter 29, title 22, Idaho Code; Idaho beef council, as provided by chapter 29, title 25, Idaho Code; Idaho cherry commission, as provided by chapter 37, title 22, Idaho Code; Idaho dairy products commission, as provided by chapter 31, title 25, Idaho Code; ~~(Idaho honey advertising commission, as provided by chapter 28, title 22, Idaho Code);~~ Idaho pea and lentil commission, as provided by chapter 35, title 22, Idaho Code; Idaho potato commission, as provided by chapter 12, title 22, Idaho Code; Idaho prune commission, as provided by chapter 30, title 22, Idaho Code; and the Idaho wheat commission, as provided by chapter 33, title 22, Idaho Code; and,

(b) professional and occupational licensing boards: (Idaho) State board of (certified public) accountancy, as provided by chapter 2, title 54, Idaho Code; board of architectural examiners, as provided by chapter 3, title 54,

Idaho Code; office of the state athletic director, as provided by chapter 4, title 54, Idaho Code; board of barber examiners, as provided by chapter 5, title 54, Idaho Code; board of commissioners of the Idaho state bar, as provided by chapter 4, title 3, Idaho Code; board of chiropractic examiners, as provided by chapter 7, title 54, Idaho Code; Idaho board of cosmetology, as provided by chapter 8, title 54, Idaho Code; state board of dentistry, as provided by chapter 9, title 54, Idaho Code; state board of engineering examiners, as provided by chapter 12, title 54, Idaho Code; board of environmental health specialists examiners, as provided by chapter 24, title 54, Idaho Code; state board for registration of professional geologists, as provided by chapter 28, title 54, Idaho Code; board of hearing aid dealers and fitters, as provided by chapter 29, title 54, Idaho Code; Idaho state board of landscape architects, as provided by chapter 30, title 54, Idaho Code; state board of medicine, as provided by chapter 18, title 54, Idaho Code, and its associated physical therapist advisory board, as provided by chapter 22, title 54, Idaho Code; state board of morticians, as provided by chapter 11, title 54, Idaho Code; board of nurses, as provided by chapter 14, title 54, Idaho Code; board of examiners of nursing home administrators, as provided by chapter 16, title 54, Idaho Code; state board of optometry, as provided by chapter 15, title 54, Idaho Code; Idaho outfitters and guides board, as provided by chapter 54, title 36, Idaho Code; board of pharmacy, as provided by chapter 17, title 54, Idaho Code; state board of podiatry, as provided by chapter 6, title 54, Idaho Code; Idaho state board of psychologist examiners, as provided by chapter 23, title 54, Idaho Code; public works contractors licensing board, as provided by chapter 19, title 54, Idaho Code; Idaho real estate ~~board~~ (commission), as provided by chapter 20, title 54, Idaho Code; board of social work examiners as provided by chapter 32, title 54, Idaho Code, and the board of veterinary medicine, as provided by chapter 21, title 54, Idaho Code; and,

(3) The bureau of occupational licenses is hereby created within the department of self-governing agencies.

Passed by House 2/26/76
Passed by Senate 3/11/76
Signed by Governor 3/19/76

IN THE SENATE
SENATE BILL NO. 1312
BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1302, IDAHO CODE, BY REDEFINING "BENEFICIARY", "EMPLOYEE" AND "MILITARY SERVICE"; AMENDING SECTION 59-1307, IDAHO CODE, TO PROVIDE FOR A MANDATORY EXTENSION OF THE TIME WITHIN WHICH ACCUMULATED CONTRIBUTIONS SHALL BE REPAID AND PROVIDING THAT REGULAR INTEREST SHALL BE INCLUDED IN SUCH REPAYMENT; AMENDING SECTION 59-1309, IDAHO CODE, BY STRIKING REFERENCES TO STUDIES FOR INCLUDING EMPLOYEES OF POLITICAL SUBDIVISIONS IN THE SYSTEM; AMENDING CHAPTER 13, TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 59-1310B, IDAHO CODE, TO PROVIDE ADDITIONAL PROVISIONS FOR MEETING REQUIREMENTS OF SIX MONTHS MEMBERSHIP SERVICE; AMENDING SECTION 59-1313, IDAHO CODE, BY STRIKING SUBSECTION (1) (a) AND STRIKING A SIX-MONTH REQUIREMENT FOR PAYMENT OF DISABILITY RETIREMENT AND SUBSTITUTING IN LIEU THEREOF FIVE MONTHS; AMENDING SECTION 59-1316, IDAHO CODE, BY STRIKING THEREFROM THE REQUIREMENT THAT CERTAIN MEMBERS RETIRE UPON ATTAINING AGE SEVENTY; AMENDING SECTION 59-1317, IDAHO CODE, BY PROVIDING THAT A DEATH BENEFIT SHALL BE APPLICABLE TO OPTION 3; AMENDING SECTION 59-1319A, IDAHO CODE, BY REVISING THE LIMITS OF AND PROCEDURE FOR DETERMINING POST RETIREMENT ALLOWANCE ADJUSTMENTS; AMENDING SECTION 59-1324, IDAHO CODE, WITH RESPECT TO THE METHOD OF PAYMENT OF DEATH BENEFITS AND REDUCING THE REQUIREMENT OF TEN YEARS OF CREDITED SERVICE TO FIVE YEARS AND STRIKING A REFERENCE TO SECTION 59-1321, IDAHO CODE; AMENDING SECTION 59-1332, IDAHO CODE, BY SUBSTITUTING THE WORD AUDITOR FOR TREASURER AND THE WORDS FISCAL YEAR FOR BIENNIUM AND STRIKING A REQUIREMENT TO TAKE LEGAL STEPS TO COLLECT DELINQUENCIES; AMENDING SECTION 59-1339, IDAHO CODE, BY STRIKING REFERENCES TO SUPPLEMENTAL TEACHERS SERVICE RETIREMENT ALLOWANCE AND METHOD OF COMPUTATION AND PROVIDING THAT CERTAIN SERVICE SHALL BE DEEMED TO BE MEMBERSHIP SERVICE; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 59-1302, Idaho Code, be, and the same is hereby amended to read as follows:

59-1302. DEFINITIONS. (1) As used in this act, each of the terms defined in this section shall have the meaning given in this section unless a different meaning is clearly required by the context.

(2) "Active member" means any employee who is not establishing the right to receive benefits under any other

retirement system operated wholly or in part by an agency of the state or political subdivision, but an employee shall be an active member if otherwise eligible:

(a) in any case where the public employee retirement system has in existence an agreement with another retirement system pursuant to which such an employee is allowed membership rights;

(b) although a contingent annuitant under the optional retirement allowances as provided in this act or by any similar provision of any other retirement act;

(c) where an employee's remuneration is paid by two (2) or more governmental units, provided that with respect of some portion of such remuneration the employee is not establishing the right to receive benefits from any other retirement system operated wholly or in part by an agency of the state or a political subdivision. The salaries from all such sources shall be combined and treated as though the salaries were paid from one (1) source in accordance with the rules of the board;

(d) in any case where an employee is receiving benefits under another retirement system operated wholly or in part by an agency of the state or political subdivision, provided, however, that in no event shall such employee receive any benefit provided under this act for service performed for which benefits are otherwise payable.

(3) "Accumulated contributions" means the sum of amounts contributed by a member of the system, together with regular interest credit thereon.

(4) "Actuarial equivalent' means a benefit equal in value to another benefit, when computed upon the basis of the actuarial tables in use by the system.

(5) "Actuarial tables" means such tables as shall have been adopted by the board in accordance with recommendations of the actuary.

(5A) "Average monthly salary" means one sixtieth (1/60th) of a member's salary during any base period in which his salary is greater than or equal to his salary in any other base period. "Base period" means any period of sixty (60) consecutive months during which such member makes a like number of contributions pursuant to sections 59-1303--59-1305, Idaho Code. If no base period exists for a member, his average monthly salary shall be determined by the board, using standards not inconsistent with those established in this subsection. To assure equitable treatment for all members, salary increments inconsistent with usual compensation patterns may be disallowed by the board in determining average monthly salary.

(6) "Beneficiary" means the person who is nominated by the written designation of a member, duly executed and filed with the board, to receive the death benefit. ~~Should no beneficiary be designated, his beneficiary shall be his surviving spouse, if any, otherwise his estate.~~

(7) "Calendar year" means twelve (12) calendar months commencing on the first day of January.

(8) "Credited service" means the aggregate of membership service, prior service and disabled service.

(9) "Date of establishment" means July 1, 1965 or a later date established by the board or statute.

(10) "Death benefit" means the amount, if any, payable upon the death of a member.

(11) "Disability retirement allowance" means the periodic payment becoming payable upon an active member's ceasing to be an employee while eligible for disability retirement.

(12) "Disabled" shall have the meaning given in this subsection. A member shall be considered to be disabled if the board shall find, on the basis of medical evidence:

(a) that he is prevented from engaging in any occupation or employment for remuneration or profit as a result of bodily injury or disease, either occupational or nonoccupational in cause, but excluding disabilities resulting from service in the armed forces of any country, or from an intentionally self-inflicted injury; and

(b) that he will remain so disabled permanently and continuously during the remainder of his life.

Refusal to submit to a medical examination ordered by the board before the commencement of a disability retirement allowance or at any reasonable time thereafter shall constitute proof that the member is not disabled. The board shall be empowered to select for such medical examination one (1) or more physicians or surgeons who are licensed to practice medicine and perform surgery. The fees and expenses of such examination shall be paid from the administration account of the fund. No member shall be required to undergo such examination more often than once each year after he has received a disability retirement allowance continuously for two (2) years.

(12A) "Disabled service" means the total number of months elapsing from the first day of the month next succeeding the final contribution of a member prior to receiving a disability retirement allowance to the first day of the month following the date of termination of such disability retirement allowance.

(13) "Early retirement allowance" means the periodic payment becoming payable upon an active member's ceasing to be an employee while eligible for early retirement.

(14) (A) "Employee" means:

(a) any person who normally works in excess of twenty (20) hours per week for an employer and who receives salary for services rendered for such employer, or

(b) elected officials or appointed officials of an employer, or

(c) civilian employees of the Idaho National Guard employed through direct appointment or designation by the governor or the adjutant general and whose salaries are paid by the United States, provided that the United States furnishes the employer contributions required to be paid by sections 59-1330 and 59-1332, Idaho Code. The date of establishment for said employees shall be set by the board but shall not be earlier than July 1, 1965 nor later than the date of commencement of contributions by the United States.

(B) "Employee" does not include:

(a) persons rendering service to an employer in the capacity of an independent business, trade or profession; or

(b) seasonal, emergency or casual workers whose ~~periods of~~ employment with any employer ~~do~~ does not total five (5) consecutive months ~~in any calendar year~~; or

(c) persons provided sheltered employment or madework by a public employer in an employment or industries program maintained for the benefit of such persons; or

(d) inmates of a state institution or persons enrolled full time in a state institution principally for purposes of training, whether or not receiving compensation for services performed for the institution; or

(e) persons making contributions to the United States civil service commission under the United States Civil Service System Retirement Act except that those persons who receive separate remuneration for work currently performed for an employer and the United States Government may elect to be members of the retirement system in accordance with rules of the board.

(15) "Employer" means the state of Idaho, or any political subdivision or governmental entity, provided such subdivision or entity has elected to come into the system. Governmental entity means any organization composed of units of government of Idaho or organizations funded only by government or employee contributions or organizations who discharge governmental responsibilities or proprietary responsibilities that would otherwise be performed by government. All governmental entities are deemed to be political subdivisions for the purpose of this act.

(15A) "Final contribution" means the final contribution made by a member pursuant to sections 59-1303--59-1305, Idaho Code.

(16) "Fireman" means an employee whose primary occupation is that of preventing and extinguishing fires as determined by the rules of the board.

(17) "Fiscal year" means the period beginning on July 1 in any year and ending on June 30 of the next succeeding year.

(18) "Fund" means the public employee retirement fund established by this act.

(19) "Funding agent" means any bank or banks, trust company or trust companies, legal reserve life insurance company or legal reserve life insurance companies, or combinations thereof, selected by the board to hold and invest the employers' and members' contributions and pay certain benefits granted under this act.

(20) "Inactive member" means a former active member who is not an employee and is not receiving any form of retirement allowance, but for whom a separation benefit has not become payable.

(21) "Member" means an active member, inactive member or a retired member.

(22) "Membership service" means service with respect to which contributions are payable under sections 59-1303--59-1305, Idaho Code, and military service which occurs after the commencement of such contributions.

(23) "Military service" means active duty service in the armed forces of the United States. For the purposes of this act, military service shall not include any period ended by dishonorable discharge or during which ~~option of~~ termination of such service is ~~granted~~ available but not accepted, nor shall it include any period which commences more than ninety (90) days after the person ceases to be an employee or ends more than ninety (90) days before the person again becomes an employee unless such ninety (90) day requirements are waived by the board due to circumstances beyond the employee's control.

(24) "Police officer" means an employee engaged in hazardous law enforcement duties as determined by the board, or employees of the adjutant general and military department of the state.

(25) "Prior service" means any period prior to July 1, 1965 of military service or of employment for the state of Idaho or any political subdivision or other employer of each employee who is an active member or in military service or on leave of absence on the date of establishment, provided, however, an employee who was not an active member or in military service or on leave of absence on the date of establishment shall receive credit for his service prior to July 1, 1965 on the basis of recognizing two (2) months of such service for each month of membership service. For the purpose of computing such service, no deduction shall be made for any continuous period of absence from service or military service of six (6) months or less.

(26) "Regular interest" means interest at the rate set from time to time by the board.

(27) "Retired member" means a former active member receiving a retirement allowance.

(28) "Retirement" means the acceptance of a retirement allowance under this act upon termination of employment.

(29) "Retirement board" or "board" means the board provided for in sections 59-1326--59-1329, Idaho Code, to administer the retirement system.

(30) "Retirement system" or "system" means the public employee retirement system of Idaho.

(31) "Salary" means the total salary or wages payable by all employers to an active member for personal services currently performed, together with all remuneration for personal services from whatever source, including commissions and bonuses and the cash value of all remuneration in any medium other than cash. The reasonable cash value of remuneration in any medium other than cash shall be estimated and determined in accordance with the rules prescribed by the board.

(32) "Separation benefit" means the amount, if any, payable upon or subsequent to separation from service.

(33) "Service" means personal service rendered to an employer for a salary. Service of fifteen (15) days or more during any calendar month shall be credited as one (1) month of service. Service of fourteen (14) days or less during any calendar month shall not be credited. No more than one (1) month of service shall be credited for all service in any month.

(34) "Service retirement allowance" means the periodic payment becoming payable upon an active member's ceasing to be an employee while eligible for service retirement.

(35) "State" means the state of Idaho.

(36) "Vested retirement allowance" means the periodic payment becoming payable upon an inactive member's becoming eligible for vested retirement.

(37) The masculine pronoun, wherever used, shall include the feminine pronoun.

SECTION 2. That Section 59-1307, Idaho Code, be, and the same is hereby amended to read as follows:

59-1307. CESSATION OF MEMBERSHIP -- REINSTATEMENT. A person shall cease to be a member when his accumulated contributions become payable to him. If no more than ten (10) years separates his periods of employee status, or if his accumulated contributions become payable during military service, he may reinstate his previous credited service by repaying to the retirement fund the full amount of his accumulated contributions within two (2) years after again becoming an employee. The period for repayment shall be extended provided such repayment includes regular interest on any amount remaining unpaid two (2) years after again becoming an employee.

SECTION 3. That Section 59-1309, Idaho Code, be, and the same is hereby amended to read as follows:

59-1309. PROCEDURE FOR EMPLOYEES OF POLITICAL SUBDIVISIONS TO BE INCLUDED IN RETIREMENT SYSTEM. A political subdivision not participating in the system may, through its governing body, notify the board in writing that it elects to include its employees in the system. ~~The board shall make a study and estimate the cost of including such employees in the system. Upon completion of the study and estimate the employer may apply for admission to the system.~~ Thereupon the board may upon such terms, not inconsistent with this act, as are set forth in a contract between the board and the employer, integrate said employer and its employees into the system established by this act unless otherwise prohibited by law. The contract shall have no effect, however, until notice and hearing regarding it is afforded to such employees. Such contract shall provide for the appropriate funding of accrued benefits under any existing retirement program at the time the employer is admitted to the system.

SECTION 4. That Chapter 13, Title 59, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 59-1310B, Idaho Code, and to read as follows:

59-1310B. ADDITIONAL PROVISIONS FOR MEETING REQUIREMENT OF SIX MONTHS MEMBERSHIP SERVICE. A former employee who had met the requirements for service or disability retirement on the date of ceasing to be an employee prior to the date of establishment of his employer except for the requirement of six (6) months membership service shall be eligible for a monthly service or disability retirement allowance commencing on July 1, 1976 or six (6) months after the date of establishment of the employer, whichever occurs later, by contributing to the board an amount equal to the sum such

person would have contributed during six (6) months of membership service computed on the basis of the monthly salary such person received at the time of ceasing to be an employee. This contribution shall be in lieu of the requirement of six (6) months membership service. The amount so contributed shall not be included in the computation of service or disability retirement allowance.

SECTION 5. That Section 59-1313, Idaho Code, be, and the same is hereby amended to read as follows:

59-1313. TIME FOR PAYMENT OF DISABILITY RETIREMENT. (1) A disability retirement allowance shall become payable to a member on the first of the month next following the ~~latest~~ later of:

~~(a) the day the member files a written application for a disability retirement allowance acceptable to the board; or~~

~~(b)~~(a) the day salary or other benefits terminate under any temporary disability policy, or sick leave or other plan paid for in whole or in part by the employer of the member; or

~~(c)~~(b) the day ~~six (6)~~ five (5) months after the member becomes eligible for disability retirement.

(2) The disability retirement allowance shall be paid monthly thereafter to, but not including, the first of the month next following the earliest of:

(a) the day of the retired member's death; or

(b) the day the retired member would be eligible for service retirement, were he still an active member; or

(c) the day the retired member ceases to be disabled.

(3) When a disability retirement allowance ceases pursuant to (b) of subsection (2) of this section, the retired member shall thereupon become eligible for service retirement, his service retirement allowance to commence on the first of the month following the date of the last payment of the disability retirement allowance.

(4) When a disability retirement allowance ceases pursuant to (c) of subsection (2) of this section, the retired member shall thereupon resume the status of an active member. Should he not become an employee or elect to receive an early retirement allowance within sixty (60) days thereafter, his status shall be considered to be an inactive member for the purposes of this act as of the date his disability retirement allowance ceases.

SECTION 6. That Section 59-1316, Idaho Code, be, and the same is hereby amended to read as follows:

59-1316. ~~COMPULSORY RETIREMENT~~ --- POSTPONEMENT -- REEMPLOYMENT OF SERVICE RETIRED MEMBERS. (1) Any member who becomes eligible for service retirement shall thereupon be retired except as provided in this section. If the employer of any member shall submit a written request for postponement of retirement, with a certification that such postponement is in the public interest, the board may allow such postponement on an annual basis in accordance with its rules~~, but in no event beyond the July 1st following the date the eligible member attains age seventy (70)~~.

(2) A service retired member may again become employed

by an employer only if his employer certifies that an emergency exists, that such reemployment is in the public interest, and is limited to periods of casual employment, all in accordance with rules of the board. No contributions shall be made by the member or his employer during such reemployment and any benefit under this act payable on behalf of such member shall continue.

(3) Nothing in this section shall be construed to prevent the election or appointment of any person, regardless of age or credited service, to any office having a term fixed by statute or charter or where the appointee serves at the pleasure of the governor or governing body of an employer.

SECTION 7. That Section 59-1317, Idaho Code, be, and the same is hereby amended to read as follows:

59-1317. CONVERSION OF SERVICE RETIREMENT OR EARLY RETIREMENT OR VESTED RETIREMENT ALLOWANCES INTO OPTIONAL RETIREMENT ALLOWANCES -- FORM OF OPTIONAL RETIREMENT. (1) The service retirement allowance, the early retirement allowance or the vested retirement allowance of a member who so elects shall be converted~~,-in-lieu-of-all-other-benefits under-this-act,~~ into an optional retirement allowance which is the actuarial equivalent of such other allowance. The optional retirement allowance may take one of the forms listed below and shall be in lieu of all other benefits under this act except that the provisions of section 59-1324(1), Idaho Code, shall be applicable to Option 3:

(a) Option 1 provides a reduced retirement allowance payable during the lifetime of the retired member, and a continuation thereafter of such reduced retirement allowance during the lifetime of his named contingent annuitant.

(b) Option 2 provides a reduced retirement allowance payable during the lifetime of the retired member, and a continuation thereafter of one half (1/2) of such reduced retirement allowance during the lifetime of his named contingent annuitant.

(c) Option 3, which is available only if the member retires before the date of his sixty-fifth (65th) birthday, provides an increased retirement allowance until such date and a reduced retirement allowance thereafter, the difference between the two (2) amounts approximately equaling the governmental old-age benefit becoming payable at such date as estimated by the board.

(2) Option 1 or 2 may not be chosen if initial payments of less than ten dollars ($10.00) per month would result.

(3) Application for any optional retirement allowance shall be in writing, duly executed and filed with the board. Such application shall contain all information required by the board, including such proofs of age as are deemed necessary by the board.

SECTION 8. That Section 59-1319A, Idaho Code, be, and the same is hereby amended to read as follows:

59-1319A. POST RETIREMENT ALLOWANCE ADJUSTMENTS. (1) Each retirement allowance payment shall equal the product of a cost-of-living factor and the amount of the initial retirement allowance. During the calendar year of final contribution, a member's cost-of-living factor shall be 1.000.

During each subsequent calendar year, the cost-of-living factor shall be the ratio of the consumer price index for October of the previous year to the consumer price index for October preceding the calendar year of the member's final contribution, except that no cost-of-living factor shall be:

(a) less than 1.000; or

(b) more than ~~103%~~ one hundred six per cent (106%) or less than ~~97%~~ ninety-four per cent (94%) of the previous year's cost-of-living factor; or

(c) increased more than one per cent (1%) over the previous year's cost-of-living factor unless the board, at its sole discretion, finds the value of the actuarial assets of the system to be no less than its actuarial liabilities, including those created by the increased factor.

(2) The consumer price index shall be that published by the bureau of labor statistics, United States department of labor.

SECTION 9. That Section 59-1324, Idaho Code, be, and the same is hereby amended to read as follows:

59-1324. COMPUTATION OF DEATH BENEFITS -- METHOD OF PAYMENT -- OPTIONAL DEATH BENEFIT. (1) The death benefit of an active or inactive member shall equal the excess, if any, of the member's accumulated contributions at the time the benefit becomes payable over the aggregate of all retirement allowance payments ever made to the deceased member. The death benefit of a retired member, except as provided by section 59-1317, Idaho Code, shall equal the excess, if any, of the member's accumulated contributions at the time the member retired over the aggregate of all retirement allowance payments ever made to the deceased member.

(2) The death benefit, if any, will be paid to the beneficiary surviving the member; otherwise, it will be paid in accordance with the laws of descent and distribution of the state of Idaho as they may then be in effect.

~~(2)~~(3) Upon the death of a member who has at least ~~ten (10)~~ five (5) years of credited service and is: (a) active; or (b) inactive and eligible to receive a retirement allowance; or (c) receiving a disability retirement allowance; his beneficiary may elect, in lieu of any death benefit otherwise payable, an allowance to be paid to the member's surviving spouse as provided in option 1 under section 59-1317, Idaho Code. The initial retirement allowance upon which such optional retirement allowance is based shall be calculated as if the member had retired immediately before his death. If the member were not then eligible to receive a service or early retirement allowance, such initial retirement allowance shall equal the actuarial equivalent of his accrued retirement allowance~~,-as-determined-pursuant-to section-59-1321,-Idaho-Code~~.

SECTION 10. That Section 59-1332, Idaho Code, be, and the same is hereby amended to read as follows:

59-1332. EMPLOYER REMITTANCE TO BOARD -- COLLECTION OF DELINQUENCIES. (1) Between the first and twentieth day of each month, each employer, or, where the employer's payroll is paid separately by departments, each department of each employer, shall remit to the retirement board all contribu-

tions required of it and its employees on the basis of salaries paid by it during the previous month. These remittances shall be accompanied by such reports as are required by rules of the board.

(2) If any employer shall fail or refuse to remit any such contributions within thirty (30) days after the date due, the board may certify to the state ~~treasurer~~ auditor the fact of such failure or refusal and the amount of the delinquent contribution or contributions, together with its request that such amount be set over from funds of the delinquent employer to the credit of the retirement fund. A copy of such certification and request shall be furnished the delinquent employer.

(3) Within ten (10) days after receipt of such request, the state ~~treasurer~~ auditor shall draw his warrant for payment of such amount out of moneys in the state treasury allocated to the use of such employer during the current ~~biennium~~ fiscal year. ~~If such moneys are not so available, the state treasurer shall take any legal steps necessary to collect such amount.~~

SECTION 11. That Section 59-1339, Idaho Code, be, and the same is hereby amended to read as follows:

59-1339. ACCUMULATED TEACHER MEMBER CONTRIBUTIONS -- REMAINING CONTRIBUTIONS -- ~~SUPPLEMENTAL TEACHERS SERVICE RETIREMENT ALLOWANCE~~ MEMBERSHIP SERVICE CREDIT. Accumulated teacher member contributions, unless previously withdrawn, shall be paid to teacher members prior to January 1, 1968, by the board from the clearing account of the employee system. All remaining contributions shall be considered as accumulated contributions as defined in section 59-1302(3), Idaho Code ~~, except that they shall not be used in the computation of the membership service retirement allowance as defined in section 59-1319(6), Idaho Code. A supplemental teacher service retirement allowance shall be credited for each~~ Each month of service of any teacher member between July 1, 1965 and July 1, 1967 during which the teacher member was a member of the teachers system~~.~~ shall be deemed to be membership service. ~~The annual amount of such supplemental teacher service retirement allowance for each year of service shall be equal to the sum of 1% of that part of the teacher member's annual salary on the date of establishment which is not in excess of $4800.00 and 2% of the balance of his annual salary.~~

SECTION 12. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Passed by Senate 2/16/76
Passed by House 3/4/76
Signed by Governor 3/15/76

IN THE HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 381
BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO PROPERTY TAX ASSESSMENT PROCEDURES; AMENDING SECTION 63-306, IDAHO CODE, TO PROVIDE FOR MEETINGS OF COUNTY BOARDS OF EQUALIZATION ON THE FOURTH MONDAY OF NOVEMBER, TO STRIKE OBSOLETE REFERENCES, AND TO PROVIDE FOR APPEALS, ASSESSMENT AND PAYMENT OF TAXES AFTER THE FOURTH MONDAY OF NOVEMBER.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 63-306, Idaho Code, be, and the same is hereby amended to read as follows:

63-306. TIME OF ASSESSMENT -- ASSESSMENT ROLL. The assessor shall assess all real and personal property, whereon the tax is a lien upon real property, in his county, subject to assessment by him, between the first day of January and the fourth Monday of June in each year and shall complete such assessment on or before the fourth Monday of June. In making such assessment the assessor shall actually determine, as near as practicable, the full cash value of each tract or piece of real property assessed, and shall enter the assessed value thereof, and the assessed value of all improvements thereon, and the amount and assessed value of each class of personal property whereon the tax is a lien on such real property, ~~except migratory livestock,~~ in appropriate columns against the description of such real property in the real property assessment roll. The tax levies shall be made on the aggregate assessed valuations of said property, real and personal, after deducting the amount of any exemptions allowed, and any personal property so entered upon the real property assessment roll shall not be entered upon the personal property assessment roll. Provided that if after the fourth Monday of June it is discovered that real property has been inadvertently omitted from the real roll such property may be entered on a subsequent real property assessment roll and submitted to the board of county commissioners meeting as a board of equalization on the ~~first Monday of December~~ fourth Monday of November of the current year.

If other real property is discovered and assessed after the subsequent board has adjourned, the taxpayer may appeal that assessment to the county commissioners meeting as a board of

equalization during their monthly meeting in January of the following year. The real property taxes so assessed must be paid on or before the 20th day of June of the following year.

Passed by House 2/26/76
Passed by Senate 3/10/76
Signed by Governor 3/17/76

Legislature of the State of Idaho) (Second Regular Session
(Forty-third Legislature

IN THE SENATE
SENATE BILL NO. 1321
BY LOCAL GOVERNMENT & TAXATION

AN ACT

RELATING TO BUDGETS OF LOCAL UNITS OF GOVERNMENT; AMENDING CHAPTER 6, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-624A, IDAHO CODE, TO PROVIDE THAT THE GOVERNING BODY OF ANY TAXING DISTRICT AS DEFINED BY SECTION 63-621, IDAHO CODE, SHALL AT THE TIME OF CERTIFYING TO THE APPROPRIATE BOARD OF COUNTY COMMISSIONERS THE AMOUNT OF MONEY REQUIRED FROM A PROPERTY TAX UPON PROPERTY IN THE DISTRICT TO MEET THEIR BUDGET AS REQUIRED BY SECTION 63-624, IDAHO CODE, SHALL ALSO FILE WITH SAID BOARD OF COUNTY COMMISSIONERS A CERTIFIED COPY OF THEIR BUDGET PREVIOUSLY PREPARED AND APPROVED.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 6, Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 63-624A, Idaho Code, and to read as follows:

63-624A. FILING COPY OF BUDGET. The council, trustees, board or other governing body of any taxing district, defined by section 63-621, Idaho Code, shall at the time of certifying the total amount required from a property tax upon property within the district to raise the amount of money fixed by their budget as previously prepared or approved and as provided for in section 63-624, Idaho Code, file with the appropriate board of county commissioners a certified copy of their budget as previously prepared, approved and adopted.

Passed by Senate 2/2/76
Passed by House 3/10/76
Signed by Governor 3/19/76

IN THE SENATE
SENATE BILL NO. 1273
BY LOCAL GOVERNMENT AND TAXATION

AN ACT

RELATING TO LEGAL DESCRIPTIONS AND MAPS OF TAXING UNITS; AMENDING SECTION 63-2215, IDAHO CODE, TO REQUIRE THE COUNTY ASSESSOR, AUDITOR, AND THE STATE TAX COMMISSION TO RETAIN ALL COPIES OF LEGAL DESCRIPTIONS AND MAPS OF TAXING DISTRICTS AND TO IMPOSE A DUTY UPON THE TAX COMMISSION TO PROVIDE A UNIFORM SYSTEM OF TAX CODE AREA NUMBERS AND MAPS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 63-2215, Idaho Code, be, and the same is hereby amended to read as follows:

63-2215. LEGAL DESCRIPTION AND MAP OF BOUNDARIES OF NEWLY ORGANIZED OR ALTERED TAXING UNITS TO BE FILED WITH THE COUNTY RECORDER, COUNTY ASSESSOR AND STATE TAX COMMISSION. (a) Any city, town, village, school district, cemetery, fire, water, sewer, hospital, or other district or municipality which has the power to levy taxes, which shall be formed or organized after this act becomes effective, or which shall change any existing boundaries thereof after this act becomes effective, shall cause one (1) copy of the legal description and map prepared in a draftsmanlike manner which shall plainly and clearly designate the boundaries of such district or municipality as formed or organized, or in the case of alteration of the boundaries of an existing district or municipality, a complete legal description as altered and a supplemental map prepared in a draftsmanlike manner which shall plainly and clearly designate the boundaries of the altered portion of the district, to be filed with the county recorder, county assessor in the counties within which the unit is located, and the state tax commission within ten (10) days following the effective date of such formation, organization, or alteration.

(b) The county assessor, county auditor and state tax commission shall retain on file in their respective offices all copies of legal descriptions of taxing district boundaries and maps filed by the various taxing jurisdictions authorized to impose a levy on property.

(c) The state tax commission shall be responsible for providing copies of uniform system tax code area numbers and maps to the county assessor, county auditor and county treasurer and various companies having operating property subject to assessment in the state of Idaho and under the jurisdiction of the state tax commission for assessment and

taxation purposes.

(d) "Tax code area" for purposes of this section shall mean a geographical area made up of one (1) or more taxing districts with one (1) total levy within its boundary.

Passed by Senate 2/20/76
Passed by House 3/10/76
Signed by Governor 3/19/76

IN THE SENATE
SENATE BILL NO. 1416
BY LOCAL GOVERNMENT AND TAXATION COMMITTEE

AN ACT

RELATING TO INCOME TAX CREDITS FOR CHARITABLE CONTRIBUTIONS TO NONPROFIT PRIVATE INSTITUTIONS OF SECONDARY OR HIGHER EDUCATION WITHIN THE STATE OF IDAHO; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3029A, IDAHO CODE, ALLOWING A TAX CREDIT FOR INDIVIDUALS NOT TO EXCEED TWENTY PERCENT OF THE TOTAL INCOME TAX DUE, OR FIFTY DOLLARS, WHICHEVER IS LESS, ALLOWING A TAX CREDIT FOR CORPORATIONS, NOT TO EXCEED TEN PERCENT OF THE TOTAL INCOME OR FRANCHISE TAX DUE, OR FIVE HUNDRED DOLLARS, WHICHEVER IS LESS, AND DEFINING A NONPROFIT INSTITUTION OF SECONDARY OR HIGHER EDUCATION; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 30, Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 63-3029A, Idaho Code, and to read as follows:

63-3029A. INCOME TAX CREDIT FOR CHARITABLE CONTRIBUTIONS -- LIMITATION. At the election of the taxpayer, there shall be allowed, subject to the applicable limitations provided herein, as a credit against the income tax imposed by chapter 30, title 63, Idaho Code, an amount equal to fifty percent (50%) of the aggregate amount of charitable contributions made by such taxpayer during the year to nonprofit private institutions of secondary or higher education located within the state of Idaho.

1. In the case of a taxpayer other than a corporation, the amount allowable as a credit under this section for any taxable year shall not exceed twenty percent (20%) of such taxpayer's total income tax liability imposed by section 63-3024, Idaho Code, for the year, or fifty dollars ($50.00), whichever is less.

2. In the case of a corporation, the amount allowable as a credit under this section for any taxable year shall not exceed ten percent (10%) of such corporation's total income or franchise tax liability imposed by sections 63-4025 and 63-3025A, Idaho Code, for the year, or five hundred dollars ($500), whichever is less.

For the purposes of this section, a nonprofit institution of secondary or higher education means a private nonprofit secondary or higher educational institution located within the state of Idaho, which is accredited by the Northwest Association of Secondary and Higher Schools.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full

force and effect on and after its passage and approval, and retroactively to January 1, 1976.

Passed by Senate 2/18/76
Passed by House 2/27/76
Signed by Governor 3/9/76

IN THE HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 532
BY STATE AFFAIRS COMMITTEE

AN ACT

PROVIDING THE DATE FOR CONVENING THE REGULAR SESSION OF THE LEGISLATURE; AMENDING SECTION 67-404, IDAHO CODE, TO PROVIDE THAT THE LEGISLATURE SHALL BE CONVENED ON THE MONDAY ON OR NEAREST THE NINTH DAY OF JANUARY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-404, Idaho Code, be, and the same is hereby amended to read as follows:

67-404. SESSIONS OF LEGISLATURE. At the hour of twelve o'clock M. on the Monday ~~after the first~~ on or nearest the ninth day in January the regular session of the legislature shall be convened. The presiding officer must call the same to order and preside. Neither house must transact any business, but must adjourn from day to day, until a majority of all the members authorized by law to be elected are present. Each legislature shall have a term of two (2) years, commencing on December 1 next following the general election, and shall consist of a "First Regular Sesion" which shall meet in the odd-numbered years and a "Second Regular Session" which shall meet in the even-numbered years and any extraordinary session or sessions which may be called as provided by law.

Passed by House 2/25/76
Passed by Senate 3/6/76
Signed by Governor 3/10/76

IN THE SENATE
SENATE BILL NO. 1265
BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO A STATE EMPLOYEES AWARD SYSTEM; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 61, TITLE 67, IDAHO CODE; STATING LEGISLATIVE INTENT; CREATING A STATE EMPLOYEES INCENTIVE AWARD COMMITTEE; PROVIDING MEETING REQUIREMENTS OF THE COMMITTEE; PROVIDING FOR THE ADOPTION OF RULES AND REGULATIONS FOR THE IMPLEMENTATION OF THE ACT; EMPOWERING THE COMMITTEE TO GRANT MONETARY AWARDS OR CERTIFICATES OF MERIT; PROVIDING LIMITATIONS ON THE AWARDS PROGRAM; AND REQUIRING FUNDING OF THE PROGRAM TO BE BORNE BY INDIVIDUAL STATE AGENCIES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Title 67, Idaho Code, be, and the same is hereby amended by the addition of a NEW CHAPTER to be known and designated as Chapter 61, Title 67, Idaho Code, and to read as follows:

CHAPTER 61
STATE EMPLOYEE INCENTIVE AWARDS

67-6101. LEGISLATIVE INTENT. It is hereby declared to be the policy of the state of Idaho to further encourage state employees to develop new concepts for the improvement of efficiency and economy in state government through certificates of merit or monetary awards for suggestions, concepts and ideas that will directly conserve man-hours, supplies, equipment, operating costs or that contribute directly to carrying out the mission of a department of state government.

67-6102. AWARDS COMMITTEE -- CREATION -- MEMBERSHIP. There is hereby created in the office of the governor the state employees incentive award committee. The committee shall consist of the governor, or his representative, who shall serve as chairman, the legislative auditor, and three (3) private citizens who represent business, management or industry. The three (3) citizen members shall be appointed by the governor to serve two (2) year terms.

67-6103. MEETINGS. The committee shall meet twice annually, or at such other times as the chairman may determine, in the office of the governor. At such time, the committee shall consider nominations submitted to the committee by the various directors of the executive agencies. A quorum shall consist of three (3) members. All committee meetings shall be open to the public.

67-6104. RULES AND REGULATIONS. It shall be the duty of the committee to administer the provisions of this act and to promulgate rules and regulations for the successful implementation of this act. Such rules and regulations shall

include, but are not limited to, the following:

(1) the establishment of a procedure for submission, screening and eligibility of all suggestions, ideas, and concepts;

(2) the approval of those suggestions which will produce economies or improvements in the operations of an agency;

Rules and regulations promulgated by the committee shall not be subject to the provisions of chapter 52, title 67, Idaho Code.

67-6105. AWARDS. Upon approval of a concept, idea, or suggestion, submitted to the committee pursuant to adopted rules or regulations, the committee is hereby empowered to grant monetary awards or certificates of merit for the submission of ideas by state employees which would;

(1) implement a cost savings,

(2) increase efficiency,

(3) better utilize resources.

The committee is not bound at any time to make an award nor is a minimum number of awards to be made to each state department. The amount of the award shall be dependent upon the value and benefit of the suggestion as determined by the committee. The committee may request outside expertise in the judging of awards and may request additional information from the applicant or the department, as to the design, function, and applicability of the suggestion.

A monetary award or a certificate of merit made by the committee shall entitle the state of Idaho to full rights to utilize the suggestion; however, it shall not constitute a purchase of any property right of the employee in the idea or suggestion.

67-6106. PARTICIPATION -- LIMITATIONS. Employees of the state of Idaho are eligible to participate in the suggestion awards program, pursuant to the terms of this act; however, no award shall be made:

(1) for suggestions which represent a part of the normal duties of the employees, or over which the employee has the sole authority to implement the suggestion

(2) for suggestions made by employees whose normal duties are research or planning, unless the subject matter is unrelated to normal work assignments

(3) which shall exceed three hundred dollars ($300).

67-6107. FUNDING. The director shall submit in writing a statement, accompanying each proposal, in such form as may be required by the committee, stating that the expense of any award up to the maximum amount permitted, shall be borne by the department suggesting the award.

Passed by Senate 1/19/76
Passed by House 1/28/76
Signed by Governor 2/4/76

IN THE HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 340
BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO INTEREST ON UNPAID CONTRIBUTIONS FOR UNEMPLOYMENT INSURANCE; AMENDING SECTION 72-1354, IDAHO CODE, BY STRIKING THE TERM "PENALTY" WHEREVER IT APPEARS THEREIN AND INSERTING IN LIEU THEREOF THE TERM "INTEREST"; AMENDING SECTION 72-1360, IDAHO CODE, BY STRIKING THE WORDS "RATE OF SIX PER CENT PER ANNUM" AND INSERTING IN LIEU THEREOF THE WORDS "STATE STATUTORY LEGAL LIMIT".

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 72-1354, Idaho Code, be, and the same is hereby amended to read as follows:

72-1354. ~~PENALTIES~~ INTEREST ON UNPAID CONTRIBUTIONS -- EFFECT OF FAILURE TO PAY CONTRIBUTIONS. If contributions are not paid by any covered employer on or before the date on which they are due and payable, such contributions shall bear ~~penalty~~ interest at the rate of one per centum (1%) or fifty cents (50¢), whichever is the larger, for each month or fraction thereof until paid; provided, that in no case shall the ~~penalty~~ interest exceed the actual amount of contributions due and payable. The date of payment of contributions shall be deemed the date of actual receipt by the director, or if mailed, the date of mailing. ~~Penalties~~ Interest collected pursuant to this section shall be paid into the state employment security administrative and reimbursement fund as established by section 72-1348, Idaho Code.

Furthermore, if any employer shall be in default under section 72-1349, Idaho Code, for a period of thirty (30) days, he may be enjoined, by the district court of any county in which such employer carries on any part of his trade or occupation, from carrying on his business while such default continues. All proceedings in the courts are to be brought by the director in the name of the state of Idaho.

SECTION 2. That Section 72-1360, Idaho Code, be, and the same is hereby amended to read as follows:

72-1360. LIENS. (a) Upon the failure of any covered employer to pay contributions or penalties when due, the director may file with the clerk of the district court of the county, wherein such employer has his principal place of business, and a copy thereof with the clerk of the district court of any county in which such employer may have real or personal property, a certificate under his official seal, stating:

(1) the name of the covered employer;

(2) his address;

(3) the amount of contributions and penalties in the

form of an itemized statement thereof owing and in default; and

(4) that the time in which an appeal or review is permitted, pursuant to section 72-1358, Idaho Code, has expired without having been taken or that delay will jeopardize collection. Thereupon, such clerk shall enter in the judgment docket of the court, the name of the employer mentioned in the certificate, the amount of such contributions and penalties in default and the date when such certificate is filed. When such certificate is duly filed and recorded, the amount of the contributions and penalties in default shall be a lien upon the entire interest of such employer, legal or equitable, in any property, real or personal, tangible or intangible, not exempt from execution, situated in the county where the certificate or a copy thereof was filed. The lien thus created shall be in favor of the state of Idaho and shall be prior to all other liens and encumbrances, except previously existing mortgage liens, labor liens and tax liens, and it shall have equal priority with tax liens. No lien for contributions or penalties shall be valid against one who purchases personal property from the delinquent employer in the usual course of business and in good faith and without actual notice of such lien. Such lien may be enforced against any real or personal property of the delinquent employer by the director, his authorized representative, or by any sheriff of the various counties in the same manner as a judgment of the district court duly docketed and the amount, secured by the lien thus established, shall bear interest at the rate of ~~six per centum (6%) per annum~~ the state statutory legal limit. The foregoing remedy shall be in addition to all other remedies against the covered employer.

(b) The employer against whose property such lien has been filed may cause his property to be released by filing with the county clerk of the county where such lien is recorded a bond in a sum double the amount claimed in said lien, executed by a surety company licensed to do business in Idaho or by two (2) private sureties residing in Idaho, to be approved by the district judge of the district in which said lien is filed, or, in the event of his absence from the county in which said lien is filed, then by the probate judge of said county, running to the state of Idaho and conditioned for the payment of all contributions, penalties, interest, and costs that may be recovered by the state of Idaho against such employer or that may be found to be a lien upon or against the property of such employer. The clerk shall then issue to such employer a certificate stating that the bond is substituted in lieu of the property of said employer and that the lien on said property is forever released and discharged and a marginal entry on said release and bond shall be made in the lien docket containing the original record of certificate of claim of lien, and if the state establish the validity of its lien by a suit to foreclose the same, it shall be entitled to a judgment or

decree against the sureties upon said bond.

(c) Any lien as provided in this section shall be released or satisfied by the director, upon the payment of the debt secured by the lien, and the property against which a lien is claimed shall be released therefrom by filing a notice of such release or satisfaction with the clerk of the county in which the certificate of claim of lien was filed. In any suit or action involving the title to real or personal property against which the state has or may claim a lien, the state may be made a party to such suit or action.

Passed by House 2/8/76
Passed by Senate 3/11/76
Signed by Governor 3/19/76

H.B. 344 -- REPORTS. Amends existing law to provide annual reports rather than biennial reports of certain agencies.

Passed by House 1/26/76
Passed by Senate 2/6/76
Signed by Governor 2/16/76

H.B. 343 -- EMPLOYMENT SECURITY LAW. Amends existing law to define employment security benefit contributions.

Passed by House 2/10/76
Passed by Senate 3/12/76
Signed by Governor 3/19/76

H.B. 420 -- CITIES. Amends and adds to existing law to provide for a city and county fiscal year of October 1, and to provide for a cash basis of accounting.

Passed by House 2/5/76
Passed by Senate 2/23/76
Signed by Governor 3/5/76

H.B. 468 -- TAX AND TAXATION. Adds to existing law to provide tax incentives for installation of insulation and alternative energy saving devices.

Passed by House 2/9/76
Passed by Senate 3/11/76
Signed by Governor 3/19/76

IN THE HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 486
BY REVENUE AND TAXATION COMMITTEE

AN ACT

APPROPRIATING MONEYS OUT OF THE GENERAL FUND TO THE STATE AUDITOR TO BE APPORTIONED TO THE VARIOUS COUNTIES FOR DEPOSIT IN THE COUNTY SCHOOL FUND; PROVIDING DUTIES OF THE COUNTY AUDITOR; PROVIDING REQUIREMENTS FOR BOARDS OF COUNTY COMMISSIONERS IN FIXING MILL LEVIES FOR TAX YEAR 1976; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated to the state auditor out of the general fund the sum of $6,761,500, or so much thereof as may be necessary, to be transferred and apportioned by the state auditor as soon as possible after July 1, 1976 to the various counties for deposit in the county school fund. Each county school fund shall be entitled to an amount from such apportionment equal to the number of mills determined by dividing the total apportionment by the total adjusted assessed valuation of the state for 1976 applied to the 1976 adjusted assessed valuation of the county; and upon receipt of such appropriation, the levy for the county school tax for taxable year 1976 shall be reduced by the appropriate number of mills.

SECTION 2. Each county auditor shall, upon receipt of the moneys into the county school fund as appropriated by this act, order the distribution of such moneys to the school district or school districts as directed by the state board of education.

For the purposes of the distribution of moneys provided by section 63-3638(g) (1), Idaho Code, the moneys received into the county school fund from the appropriation herein made, shall be treated and considered as if such moneys had been raised by a county school tax levy.

SECTION 3. Each board of county commissioners shall be bound by the provisions of this act in fixing mill levies for tax year 1976 for the minimum county school fund levies.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 1976.

Passed by House 2/20/76
Passed by Senate 3/2/76
Signed by Governor 3/11/76

IN THE SENATE
SENATE BILL NO. 1420
BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED FOR DEPOSIT IN THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING MONEYS FROM THE PUBLIC SCHOOL INCOME FUND TO BE DISBURSED BY THE STATE BOARD OF EDUCATION FOR THE PUBLIC SCHOOL FOUNDATION PROGRAM FOR THE PERIOD JULY 1, 1976, THROUGH JUNE 30, 1977; AND APPROPRIATING ACCRUING MONEYS FROM THE PUBLIC SCHOOL INCOME FUND TO THE STATE BOARD OF EDUCATION TO BE EXPENDED PURSUANT TO LAW.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated from the General Fund the sum of $85,000,000 and from funds received under the "State & Local Assistance Act of 1972" the sum of $8,200,000, or so much thereof as may be received, to be deposited with the Public School Income Fund for the Public School Foundation Program for the period July 1, 1976, through June 30, 1977.

SECTION 2. There is hereby appropriated out of the Public School Income Fund the sum of $93,200,000, to be disbursed by the State Board of Education for the Public School Foundation Program for the period July 1, 1976, through June 30, 1977.

SECTION 3. There is hereby appropriated from the Public School Income Fund to the State Board of Education to be expended pursuant to law all moneys which may accrue to such fund for the period July 1, 1976, through June 30, 1977.

Passed by Senate 2/11/76
Passed by House 2/16/76
Signed by Governor 2/23/76

IN THE SENATE
SENATE BILL NO. 1480
BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEY FROM THE FUND ENUMERATED FOR DEPOSIT IN THE PUBLIC SCHOOL INCOME FUND; AND APPROPRIATING MONEY FROM THE PUBLIC SCHOOL INCOME FUND TO BE DISBURSED BY THE STATE BOARD OF EDUCATION FOR PUBLIC SCHOOL EMPLOYEES' RETIREMENT PROGRAM FOR THE PERIOD JULY 1, 1976 THROUGH JUNE 30, 1977.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated from the General Fund the sum of $10,397,700 to be deposited with the Public School Income Fund for Public School Employees' Retirement Program for the period July 1, 1976 through June 30, 1977.

SECTION 2. There is hereby appropriated out of the Public School Income Fund the sum of $10,397,700 to be disbursed by the State Board of Education for Public School Employees' Retirement Program for the period July 1, 1976 through June 30, 1977.

Passed by Senate 2/21/76
Passed by House 2/25/76
Signed by Governor 3/5/76

IN THE HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 731
BY APPROPRIATIONS COMMITTEE

AN ACT

EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE STATE DEPARTMENT OF EDUCATION; APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO THE STATE BOARD OF EDUCATION FOR THE STATE DEPARTMENT OF EDUCATION TO BE EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED FUNDS FOR THE PERIOD JULY 1, 1976, THROUGH JUNE 30, 1977; EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO CERTAIN EXPENDITURES; AND SPECIFYING PURPOSES FOR A PORTION OF THE GENERAL FUND MONEY APPROPRIATED FOR FEDERAL PROGRAMS IN SECTION 2 OF THIS ACT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. It is legislative intent that the expenditures for the State Department of Education not exceed the following amounts for the period July 1, 1976, through June 30, 1977:

FOR:	
Personnel Costs	$ 1,930,300
Operating Expenditures	1,028,900
Capital Outlay	32,900
Trustee & Benefit Payments	14,704,500
TOTAL	$17,696,600
FROM:	
General Fund	$ 1,298,600
Miscellaneous Receipts	127,800
Dedicated Funds	1,055,700
Commodity Distribution Fund	120,000
Federal Funds	15,094,500
TOTAL	$17,696,600

SECTION 2. There is hereby appropriated to the State Board of Education for the State Department of Education the following amounts to be expended for designated programs, according to expense classes designated therein from the listed funds for the period July 1, 1976, through June 30, 1977:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
A. MANAGEMENT:					
FROM:					
General Fund	$ 80,700	$ 34,300	$ 100		$ 115,100
Elementary-Secondary Education Fund	208,700	80,000	1,300		290,000
TOTAL	$ 289,400	$ 114,300	$ 1,400		$ 405,100
B. FINANCIAL AND ADMINISTRATIVE SERVICES:					
FROM:					
General Fund	$ 276,400	$ 73,100	$ 9,200	$ 256,500	$ 615,200
Driver Training Fund	53,100	29,100	3,000	915,000	1,000,200
Commodity Distribution Fund		120,000			120,000
School Lunch Fund	53,000	17,500	600	4,615,000	4,686,100
Elementary-Secondary Education Fund	99,700	27,400	1,300		128,400
Veterans Approval Fund	55,600	21,900	700		78,200
Driver Rehabilitation	33,700	84,100	200		118,000
Miscellaneous Receipts	85,700	42,000	100		127,800
TOTAL	$ 657,200	$ 415,100	$ 15,100	$ 5,786,500	$ 6,873,900
C. FEDERAL PROGRAMS:					
FROM:					
General Fund	$ 75,400	$ 22,200	$ 400		$ 98,000
Indian Education Fund	34,900	14,700		445,000	494,600
Elementary-Secondary Education Fund	391,000	202,300	3,300	7,984,500	8,581,100
Adult Basic Education Fund	26,500	8,200	100	362,900	397,700
Special Education-Teacher Training Fund	15,000	6,000	100	121,000	142,100
TOTALS	$ 542,800	$ 253,400	$ 3,900	$ 8,913,400	$ 9,713,500
D. INSTRUCTION:					
FROM:					
General Fund	$ 296,100	$ 164,200	$ 10,000	$	$ 470,300
Professional Standards Commission Fund	11,100	39,700	100	4,600	55,500
Elementary-Secondary Education Fund	133,700	42,200	2,400		178,300
TOTAL	$ 440,900	$ 246,100	$ 12,500	$ 4,600	$ 704,100
GRAND TOTAL	$1,930,300	$1,028,900	$ 32,900	$14,704,500	$17,696,600

SECTION 3. It is legislative intent that an amount, not to exceed $1,000 of the amounts appropriated in section 2, subsection A of this act, may not be used at the discretion of the Superintendent of Public Instruction to assist in defraying expenses relating to or resulting from the discharge of his official duties. Such moneys shall be accounted for solely on the itemized certificate of the Superintendent of Public Instruction and shall be exempted from provisions of chapter 36, title 67, Idaho Code, and section 67-3516, Idaho Code.

SECTION 4. It is legislative intent that an Indian education coordinator position and secretary position, together with related operating expenditure moneys therefor, shall be provided from the General Fund appropriation made for federal programs in section 2 of this act.

Passed by House 3/16/76
Passed by Senate 3/16/76
Signed by Governor 4/1/76

IN THE HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 698
BY APPROPRIATIONS COMMITTEE

AN ACT

EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE OFFICE OF THE STATE BOARD OF EDUCATION; AND APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO THE STATE BOARD OF EDUCATION FOR THE OFFICE OF THE STATE BOARD OF EDUCATION TO BE EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED FUNDS FOR THE PERIOD JULY 1, 1976, THROUGH JUNE 30, 1977.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. It is legislative intent that the expenditures for the Office of the State Board of Education not exceed the following amounts for the period July 1, 1976, through June 30, 1977:

FOR:	
Personnel Costs	$ 675,400
Operating Expenditures	337,800
Capital Outlay	21,600
Trustee & Benefit Payments	2,556,600
TOTAL	$3,591,400
FROM:	
General Fund	$2,566,400
Federal Funds:	
Idaho State Commission for Higher Education Fund	651,200
Continuing Education Fund	173,700
Local School District Contributions Fund	194,200
Miscellaneous Receipts	5,900
TOTAL	$3,591,400

SECTION 2. There is hereby appropriated to the State Board of Education for the Office of the State Board of Education the following amounts, to be expended for designated programs, according to expense classes designated therein from the listed funds for the period July 1, 1976, through June 30, 1977:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
A. STATE BOARD OF EDUCATION:					
FROM:					
General Fund	$ 46,900	$ 31,900			$ 78,800
B. GENERAL ADMINISTRATION:					
FROM:					
General Fund	$ 59,600	$ 18,400	400		$ 78,400
C. FISCAL PLANNING AND RESEARCH:					
FROM:					
General Fund	$ 83,000	$ 28,700	$ 600		$ 112,300
D. CURRICULUM PLANNING, CONTINUING EDUCATION AND MEDICAL EDUCATION:					
FROM:					
General Fund	$ 70,500	$ 21,500		$ 674,300	$ 766,300
E. POST SECONDARY EDUCATION PLANNING & SCHOLARSHIPS:					
FROM:					
General Fund				$ 163,000	$ 163,000
Continuing Education Fund	$ 22,600	$ 9,600		141,500	173,700
Idaho State Commission for Higher Education Fund				146,000	$ 146,000
TOTAL	$ 22,600	$ 9,600		$ 450,500	$ 482,700
F. PUBLIC BROADCASTING AND TELEVISION:					
FROM:					
General Fund	$ 35,100	$ 6,500		$ 920,700	$ 962,300
Idaho State Commission for Higher Education Fund				505,200	505,200
Miscellaneous Receipts				5,900	5,900
TOTAL	$ 35,100	$ 6,500		$1,431,800	$1,473,400
G. STATEWIDE EDUCATIONAL PLANNING & REPORTING SYSTEMS:					
FROM:					
General Fund	$ 193,800	$ 195,600	$ 15,900		$ 405,300
Local School District Contributions Fund	163,900	25,600	4,700		194,200
TOTAL	$ 357,700	$ 221,200	$ 20,600		$ 599,500
GRAND TOTAL	$ 675,400	$ 337,800	$ 21,600	$2,556,600	$3,591,400

Passed by House 3/9/76
Passed by Senate 3/12/76
Signed by Governor 3/19/76

IN THE HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 739
BY APPROPRIATIONS COMMITTEE

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND TO THE STATE BOARD OF EDUCATION FOR THE SPECIFIED PURPOSE, FOR THE PERIOD JULY 1, 1976 THROUGH JUNE 30, 1977.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated to the State Board of Education the amount of $5,100 from the General Fund, to be expended for per diem payments to members of the State Board of Education, for the period July 1, 1976 through June 30, 1977.

Passed by House 3/19/76
Passed by Senate 3/19/76
Signed by Governor 4/1/76

IN THE SENATE
SENATE BILL NO. 1536
BY FINANCE COMMITTEE

AN ACT

EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR COLLEGES AND UNIVERSITIES AND JUNIOR COLLEGE SUPPORT; APPROPRIATING $2,788,100 FROM THE GENERAL FUND TO THE STATE BOARD OF EDUCATION FOR JUNIOR COLLEGE SUPPORT FOR THE PERIOD JULY 1, 1976, THROUGH JUNE 30, 1977; APPROPRIATING $54,699,300 FROM THE FUNDS ENUMERATED TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR DESIGNATED PROGRAMS AT BOISE STATE UNIVERSITY, IDAHO STATE UNIVERSITY, LEWIS-CLARK STATE COLLEGE AND THE UNIVERSITY OF IDAHO FOR THE PERIOD JULY 1, 1976, THROUGH JUNE 30, 1977; MAKING CERTAIN CODE PROVISIONS SPECIFICALLY AVAILABLE TO THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 1977 ONLY; AND RESERVING CERTAIN MONEYS FOR CONTINGENT USES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. It is legislative intent that the expenditures for colleges and universities and junior college support not exceed the following amounts for the period July 1, 1976, through June 30, 1977:

FOR:	
Educational Programs	$57,487,400
FROM:	
General Fund	$51,217,100
Federal Endowment Funds	206,600
State Endowment Funds:	
Lewis-Clark Normal School Income Fund	422,500
Idaho State University Income Fund	173,300
Idaho State University Teacher Training Fund	422,500
University of Idaho Income Fund	445,000
Agricultural College Income Fund	314,000
School of Science Income Fund	889,000
Miscellaneous Receipts	3,397,400
TOTAL	$57,487,400

SECTION 2. There is hereby appropriated out of the fund enumerated the following amount to the State Board of Education for the State Junior College Fund for junior college support for the period July 1, 1976, through June 30, 1977:

FOR:	
Junior College Support	$2,788,100
FROM:	
General Fund	$2,788,100

SECTION 3. There is hereby appropriated out of the funds enumerated to the State Board of Education and the Board of Regents of the University of Idaho for Boise State University, Idaho State University, Lewis-Clark State College and the University of Idaho the following amounts, to be expended for designated programs for the period July 1, 1976, through June 30, 1977:

FOR:	
General Education Programs	$54,699,300
FROM:	
General Fund	$48,429,000
Federal Endowment Funds	206,600
State Endowment Funds:	
Lewis-Clark Normal School Income Fund	422,500
Idaho State University Income Fund	173,300
Idaho State University Teacher Training Fund	422,500
University of Idaho Income Fund	445,000
Agricultural College Income Fund	314,000
School of Science Income Fund	889,000
Miscellaneous Receipts	3,397,400
TOTAL	$54,699,300

SECTION 4. The provisions of Sections 67-3608, 67-3609, 67-3610 and 67-3611, Idaho Code, are hereby specifically made available to the State Board of Education and the Board of Regents of the University of Idaho for fiscal year 1977 only, the provisions of Section 67-3516(1), (3) and (4), Idaho Code, notwithstanding.

SECTION 5. Out of the moneys appropriated in section 3 of this act, the sum of $250,000 from the General Fund shall be set aside to be used for contingencies by the State Board of Education and the Board of Regents of the University of Idaho. Such moneys shall be used solely for matters of an emergency nature in educational programs which may arise during fiscal year 1977 and shall not be allocated at the commencement of fiscal year 1977 as a part of the operating budgets of the institutions. In the event such amount, or any portion thereof, is not needed for emergency purposes, such moneys shall not be used for any other purposes and shall revert to the General Fund as of June 30, 1977.

Passed by Senate 3/11/76
Passed by House 3/15/76
Signed by Governor 3/30/76

IN THE HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 708
BY APPROPRIATIONS COMMITTEE

AN ACT

EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR SPECIAL PROGRAMS AT THE UNIVERSITY OF IDAHO; APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO, TO BE EXPENDED FOR AGRICULTURAL RESEARCH AND COOPERATIVE EXTENSION SERVICES PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FOR THE PERIOD JULY 1, 1976, THROUGH JUNE 30, 1977; APPROPRIATING MONEYS FROM THE FUND ENUMERATED TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR FOREST UTILIZATION RESEARCH AND SHORT TERM APPLIED RESEARCH PROGRAMS, FOR THE PERIOD JULY 1, 1976, THROUGH JUNE 30, 1977; APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO, TO BE EXPENDED FOR THE NORTHWEST COLLEGE OF VETERINARY MEDICINE PROGRAM, ACCORDING TO DESIGNATED EXPENSE CLASSES FOR THE PERIOD JULY 1, 1976, THROUGH JUNE 30, 1977; AND APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO, TO BE EXPENDED FOR THE WAMI MEDICAL EDUCATION PROGRAM, ACCORDING TO DESIGNATED EXPENSE CLASSES FOR THE PERIOD JULY 1, 1976, THROUGH JUNE 30, 1977.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. It is legislative intent that the expenditures of the State Board of Education and the Board of Regents of the University of Idaho for special programs at the University of Idaho not exceed the following amounts for the period July 1, 1976, through June 30, 1977:

FOR:	
Special Programs, University of Idaho	$9,645,400
FROM:	
General Fund	6,833,100
Federal Funds:	
Hatch Act	700,300
Regional Research	289,000
Agricultural Research - Rural	14,200
Smith-Lever Act	1,382,600
Expanded Nutrition	195,500
Indian Affairs	48,200
Local Funds:	
Station Income	161,400
Smith-Lever Act Funds	2,500
Miscellaneous Receipts	18,600
TOTAL	$9,645,400

SECTION 2. There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho the following amounts, to be expended for designated programs, according to expense classes designated therein, from the enumerated funds, for the period July 1, 1976, through June 30, 1977.

A. AGRICULTURAL RESEARCH PROGRAM:	
FOR:	
Personnel Costs	$3,415,900
Operating Expenditures	824,800
Capital Outlay	452,500
TOTAL	$4,693,200
FROM:	
General Fund	$3,528,300
Federal Funds:	
Hatch Act	700,300
Regional Research	289,000
Agricultural Research - Rural	14,200
Local Station Income	161,400
TOTAL	$4,693,200
B. COOPERATIVE EXTENSION SERVICE PROGRAM:	
FOR:	
Personnel Costs	$3,228,000
Operating Expenditures	452,700
Capital Outlay	24,600
TOTAL	$3,705,300
FROM:	
General Fund	$2,076,500
Federal Funds:	
Smith-Lever Act	1,382,600
Expanded Nutrition	195,500
Indian Affairs	48,200
Local Smith-Lever Act Funds	2,500
TOTAL	$3,705,300

SECTION 3. There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho the following amounts, to be expended for designated programs from the fund enumerated for the period July 1, 1976, through June 30, 1977.

A. FOREST UTILIZATION RESEARCH PROGRAM:	
FOR:	
Forest Utilization Research	$125,000
FROM:	
General Fund	$125,000
B. SHORT TERM APPLIED RESEARCH PROGRAM:	
FOR:	
Short Term Applied Research	$ 75,000
FROM:	
General Fund	$ 75,000

SECTION 4. There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho the following amounts, to be expended for the Northwest College of Veterinary Medicine Program for the designated purposes, according to expense classes designated from the enumerated funds, for the period July 1, 1976, through June 30, 1977.

A. INSTRUCTION:	
FOR:	
Personnel Costs	$262,700
Operating Expenditures	39,700
Capital Outlay	20,000
TOTAL	$322,400
FROM:	
General Fund	$309,600
Miscellaneous Receipts	12,800
TOTAL	$322,400
B. RESEARCH AND SERVICE:	
FOR:	
Personnel Costs	$134,200
Operating Expenditures	18,000
Capital Outlay	10,000
TOTAL	$162,200
FROM:	
General Fund	$162,200

SECTION 5. There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho the following amounts, to be expended for the WAMI Medical Education Program, according to designated expense classes from the enumerated funds, for the period July 1, 1976, through June 30, 1977.

FOR:	
Personnel Costs	$179,500
Operating Expenditures	40,200
Trustee & Benefit Payments	342,600
TOTAL	$562,300
FROM:	
General Fund	$556,500
Miscellaneous Receipts	5,800
TOTAL	$562,300

Passed by House 3/10/76
Passed by Senate 3/15/76
Signed by Governor 3/19/76

IN THE SENATE
SENATE BILL NO. 1515
BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND TO THE STATE BOARD OF EDUCATION FOR THE FAMILY PRACTICE RESIDENCY PROGRAM FOR THE PERIOD JULY 1, 1976, THROUGH JUNE 30, 1977; AND SPECIFYING CONDITIONS ATTACHED TO SUCH APPROPRIATION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated to the State Board of Education the amount of $195,000 from the General Fund, to be expended for the Family Practice Residency Program, for the period July 1, 1976, through June 30, 1977.

SECTION 2. The following conditions are attached to the appropriation made in section 1 of this act:

(1) Of the appropriation, the amount of $15,000 shall be set aside to pay for malpractice insurance premiums if such additional payment is necessary. In the event such amount, or any portion thereof, is not needed for such purpose, the balance of such $15,000 shall not be used for any other purpose and shall revert to the General Fund as of June 30, 1977.

(2) In the event income from clinic revenues exceeds the amount of $182,000, the moneys appropriated from the General Fund shall be reduced by such excess and shall revert to the General Fund as of June 30, 1977.

Passed by Senate 3/3/76
Passed by House 3/6/76
Signed by Governor 3/16/76

IN THE HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 676
BY APPROPRIATIONS COMMITTEE

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND TO THE STATE BOARD OF EDUCATION FOR MEDICAL STUDENTS AT THE UNIVERSITY OF UTAH MEDICAL SCHOOL, FOR THE PERIOD FROM JULY 1, 1976, THROUGH JUNE 30, 1977.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated to the State Board of Education the amount of $66,500 from the General Fund, to be expended for five freshmen medical students at the University of Utah Medical School, for the period July 1, 1976, through June 30, 1977.

Passed by House 3/3/76
Passed by Senate 3/8/76
Signed by Governor 3/16/76

IN THE SENATE
SENATE BILL NO. 1531
BY FINANCE COMMITTEE

AN ACT

APPROPRIATING $5,370,900 FROM THE PERMANENT BUILDING FUND TO THE PERMANENT BUILDING FUND ADVISORY COUNCIL AND THE DIVISION OF PUBLIC WORKS FOR THE PURPOSES SPECIFIED; EXPRESSING LEGISLATIVE INTENT CONCERNING USE OF SUCH FUNDS; EXEMPTING THE APPROPRIATION FROM THE PROVISIONS OF CHAPTER 36, TITLE 67, IDAHO CODE, AND FROM THE PROVISIONS OF SECTION 67-3516, IDAHO CODE; AUTHORIZING THE USE OF TAX ANTICIPATION NOTES; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated from the Permanent Building Fund to the Permanent Building Fund Advisory Council and the Division of Public Works the sums of money set forth in this section, or so much thereof as in each case may be necessary, for the purpose of paying the cost of any land, building, equipment, or the rebuilding, renovation or repair, of the following buildings, installations, facilities or structures at the places, institutions and agencies, or their successors, named and listed in this section. The Permanent Building Fund Advisory Council is hereby authorized and directed to anticipate revenues accruing to the Permanent Building Fund for the purpose of undertaking the construction, renovation, repair and acquisitions herein authorized, without delay, and to determine the priority of construction pursuant to which the work hereunder will be undertaken.

1. STATE BOARD OF EDUCATION:

LEWIS-CLARK STATE COLLEGE: Construction of science-nursing classroom and laboratory building.	$1,041,600
NORTH IDAHO COLLEGE: Planning, land acquisition and construction of humanities classroom building.	385,000
STATE LIBRARY: Construction of addition to library and archives.	250,000
BOISE STATE UNIVERSITY: Construction of Phase II, science education building	1,809,700
EASTERN IDAHO VOCATIONAL-TECHNICAL SCHOOL: Planning for technology building.	35,000
DEPARTMENT OF LANDS:	
Additional repair shop facilities, Coeur d'Alene.	55,000
Timber management bunkhouse, Floodwood State Forest.	50,000
Coolin residence addition.	22,000
Equipment storage sheds at Kamiah, Coeur d'Alene, Cataldo and Craigmont.	140,000

3.	MILITARY DIVISION: Final funding for Gowen Field Armory, Boise	41,000
4.	CAPITOL BUILDING: Fire alarm system.	25,000
5.	CAPITOL MALL: Construction of parking structure; construction of service and utility tunnel from Capitol Building to new state office building.	600,000
6.	DEPARTMENT OF HEALTH AND WELFARE: Renovation and remodeling, State Hospital South.	800,000
7.	PERMANENT BUILDING FUND ADVISORY COUNCIL: Supplementary funds to building fund program appropriation to cover contingencies and overruns in the authorized construction program; funding for payment of interest on tax anticipation notes.	116,600
	TOTAL	$5,370,900

SECTION 2. It is the express intention that the funds appropriated by this act may be made available for matching any allocation of funds now in existence or hereafter made available by agencies of the United States and/or private donations; provided the express approval by the Permanent Building Fund Advisory Council is granted to make application for such funds in each instance. It is further the intention of the legislature that this authority be effective from the effective date of this act.

SECTION 3. All appropriations made herein shall be exempt from the provisions of Chapter 36, Title 67, and Section 67-3516, Idaho Code, but shall be available for expenditure only after allotment in accordance with the other provisions of Chapter 35, Title 67, Idaho Code, and all appropriations made hereunder shall be subject to the provisions of Section 67-5711, Idaho Code, except as otherwise provided herein.

SECTION 4. The state treasurer is hereby authorized and directed to anticipate the revenues in the Permanent Building Fund by the issuance of tax anticipation notes in accordance with authority conferred by Sections 63-3201, 63-3202, 63-3203, 63-3204 and 63-3205, Idaho Code, and in accordance with the procedures and subject to the limitations provided in those sections, in the same manner as though the revenues in the general fund were being anticipated.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Passed by Senate 3/9/76
Passed by House 3/11/76
Signed by Governor 3/24/76

IN THE HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 677
BY APPROPRIATIONS COMMITTEE

AN ACT

APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO THE STATE BOARD OF EDUCATION FOR THE IDAHO STATE SCHOOL FOR THE DEAF AND THE BLIND TO BE EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED FUNDS FOR THE PERIOD JULY 1, 1976, THROUGH JUNE 30, 1977.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated to the State Board of Education for the Idaho State School for the Deaf and Blind the following amounts, to be expended for designated programs, according to expense classes designated therein from the listed funds for the period July 1, 1976, through June 30, 1977:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
A. EDUCATION AND SUPPORT SERVICES:					
FROM:					
General Fund	$1,382,100	$ 156,100	$ 18,800	$ 1,000	$1,558,000
State School for the Deaf & Blind Income Fund		35,100			35,100
Deaf and Blind Children Fund	92,400	7,900	1,800		102,100
Miscellaneous Receipts		40,000			40,000
TOTAL	$1,474,500	$ 239,100	$ 20,600	$ 1,000	$1,735,200
B. SPECIAL SERVICES:					
FROM:					
Deaf & Blind Children Fund	$ 30,400	$ 32,100	$ 6,500		$ 69,000
TOTAL	$ 30,400	$ 32,100	$ 6,500		$ 69,000
GRAND TOTAL	$1,504,900	$ 271,200	$ 27,100	$ 1,000	$1,804,200

Passed by House 3/3/76
Passed by Senate 3/8/76
Signed by Governor 3/16/76

IN THE HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 707
BY APPROPRIATIONS COMMITTEE

AN ACT

APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO THE STATE BOARD OF EDUCATION FOR VOCATIONAL EDUCATION, TO BE EXPENDED FOR DESIGNATED PROGRAMS ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED FUNDS FOR THE PERIOD JULY 1, 1976, THROUGH JUNE 30, 1977.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated to the State Board of Education for Vocational Education the following amounts, to be expended for designated programs, according to expense classes designated therein from the listed funds for the period July 1, 1976, through June 30, 1977:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
A. VOCATIONAL EDUCATION:					
FROM:					
General Fund	$ 653,500	$ 173,300	$ 12,200	$8,757,900	$9,596,900
Vocational Education Amendments of 1968 Fund				2,418,100	2,418,100
TOTAL	$ 653,500	$ 173,300	$ 12,200	11,176,000	12,015,000
B. ADVISORY COUNCIL:					
FROM:					
Vocational Education Advisory Council Fund	$ 31,100	$ 22,700			$ 53,800
TOTAL	$ 31,100	$ 22,700			$ 53,800
C. EMERGENCY TRAINING:					
FROM:					
General Fund				$ 275,000	$ 275,000
GRAND TOTAL	$ 684,600	$ 196,000	$ 12,200	11,451,000	12,343,800

Passed by House 3/10/76
Passed by Senate 3/15/76
Signed by Governor 3/30/76

IN THE HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 690
BY APPROPRIATIONS COMMITTEE

AN ACT

APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO THE STATE BOARD OF EDUCATION FOR VOCATIONAL REHABILITATION, TO BE EXPENDED FOR DESIGNATED PROGRAMS ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED FUNDS FOR THE PERIOD JULY 1, 1976, THROUGH JUNE 30, 1977.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated to the State Board of Education for Vocational Rehabilitation the following amounts, to be expended for designated programs, according to expense classes designated therein from the listed funds for the period July 1, 1976, through June 30, 1977:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
A. RENAL DISEASE:					
FROM:					
General Fund				$ 190,000	$ 190,000
TOTAL	-0-	-0-	-0-	$ 190,000	$ 190,000
B. VOCATIONAL REHABILITATION:					
FROM:					
General Fund				$ 900,000	$ 900,000
Vocational Rehabilitation Fund	$1,801,700	$ 402,400	$ 63,600	2,807,700	5,075,400
TOTAL	$1,801,700	$ 402,400	$ 63,600	$3,707,700	$5,975,400
C. DISABILITY DETERMINATIONS:					
FROM:					
Federal Disability Determinations Fund	$ 480,400	$ 95,500	$ 500	$ 170,000	$ 746,400
TOTAL	$ 480,400	$ 95,500	$ 500	$ 170,000	$ 746,400
GRAND TOTAL	$2,282,100	$ 497,900	$ 64,100	$4,067,700	$6,911,800

Passed by House 3/8/76
Passed by Senate 3/11/76
Signed by Governor 3/19/76

IN THE HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 687
BY APPROPRIATIONS COMMITTEE

AN ACT

EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE STATE LIBRARY BOARD AND THE IDAHO STATE HISTORICAL SOCIETY; APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO THE STATE BOARD OF EDUCATION FOR THE STATE LIBRARY BOARD, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED FUNDS FOR THE PERIOD JULY 1, 1976, THROUGH JUNE 30, 1977; and APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO THE STATE BOARD OF EDUCATION FOR THE IDAHO STATE HISTORICAL SOCIETY, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED FUNDS FOR THE PERIOD JULY 1, 1976, THROUGH JUNE 30, 1977.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. It is legislative intent that the expenditures for the State Library Board and the Idaho State Historical Society not exceed the following amounts for the period July 1, 1976, through June 30, 1977:

FOR:	
Personnel Costs	$ 772,000
Operating Expenditures	382,900
Capital Outlay	100,400
Trustee and Benefit Payments	1,012,900
TOTAL	$2,268,200
FROM:	
General Fund	$1,448,400
Dedicated Funds:	
State Historical Society Foundation Fund	186,300
Federal Funds:	
Library Services & Construction Act - Titles I & III Fund	355,400
Historical Preservation Fund	241,200
Miscellaneous Receipts	36,900
TOTAL	$2,268,200

SECTION 2. There is hereby appropriated to the State Board of Education for the functions to be performed by the State Library Board the following amounts, to be expended for the designated programs, according to expense classes designated therein from the listed funds for the period July 1, 1976, through June 30, 1977:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
A. STATE GRANTS AND LIBRARY CONSTRUCTION:					
FROM:					
General Fund				$ 357,000	$ 357,000
Library Services & Construction Act - Titles I & III Fund				317,000	317,000
TOTAL				$ 674,000	$ 674,000
B. STATE LIBRARY SERVICES:					
FROM:					
General Fund	$ 369,200	$ 118,500	$ 68,200	$ 120,000	$ 675,900
Library Services & Construction Act Titles I & III Fund				38,400	38,400
Miscellaneous Receipts		2,300	4,600	30,000	36,900
TOTAL	$ 369,200	$ 120,800	$ 72,800	$ 188,400	$ 751,200
GRAND TOTAL	$ 369,200	$ 120,800	$ 72,800	$ 862,400	$1,425,200

SECTION 3. There is hereby appropriated to the State Board of Education for the functions to be performed by the Idaho State Historical Society, the following amounts to be expended for designated programs, according to expense classes designated therein from the listed funds for the period July 1, 1976, through June 30, 1977:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
A. HISTORICAL PRESERVATION AND EDUCATION:					
FROM:					
General Fund	$ 270,500	$ 51,400	$ 22,600		$ 344,500
State Historical Society Foundation Fund		58,800	2,800		61,600
Historical Preservation Fund	64,900	27,800			92,700
TOTAL	$ 335,400	$ 138,000	$ 25,400		$ 498,800
B. HISTORIC RESTORATION PROJECTS:					
FROM:					
Historical Preservation Fund				$ 146,500	$ 146,500
C. FRANKLIN PIONEER RELIC HALL:					
FROM:					
General Fund				$ 4,000	$ 4,000
D. HISTORIC SITES MAINTENANCE AND INTERPRETATION:					
FROM:					
General Fund	$ 42,700	$ 22,100	$ 2,200		$ 67,000
State Historical Society Foundation Fund	24,700	100,000			124,700
Historical Preservation Fund		2,000			2,000
TOTAL	$ 67,400	$ 124,100	$ 2,200		$ 193,700
GRAND TOTAL	$ 402,800	$ 262,100	$ 27,600	$ 150,500	$ 843,000

Passed by House 3/8/76
Passed by Senate 3/11/76
Signed by Governor 3/19/76

IN THE HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 710
BY APPROPRIATIONS COMMITTEE

AN ACT

MAKING CERTAIN SUMS AVAILABLE FROM APPROPRIATIONS MADE FOR FISCAL YEAR 1977 TO LISTED AGENCIES, DEPARTMENTS OR OFFICES FOR THE PURPOSE OF ROOF REPAIRS, COATINGS, AND/OR ROOF REPLACEMENTS; AND PROVIDING THAT THE DIVISION OF PUBLIC WORKS SHALL HAVE SUPERVISION OF THE REPAIRS AS IF THE MONEY HAD BEEN APPROPRIATED TO THE DIVISION OF PUBLIC WORKS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby made available from any appropriation made for fiscal year 1977 operations of the following listed state agencies, departments or offices, the amounts of money listed for the purposes of roof repairs, coatings and/or roof replacements. The amounts listed shall be made available at such times as the Division of Public Works may direct, and need not be done simultaneously for each agency, department or office.

AGENCY	
A. STATE BOARD OF EDUCATION:	
1. Boise State University	$ 9,200
2. University of Idaho	99,600
3. Idaho State University	14,300
4. Lewis-Clark State College	500
TOTAL	$123,600
B. DEPARTMENT OF HEALTH & WELFARE:	
1. State Hospital South	$ 15,200
2. State Hospital North	6,600
3. State Youth Services Center	1,200
TOTAL	$ 23,000
C. DEPARTMENT OF THE MILITARY:	
1. National Guard Armory - Payette	$ 1,000
2. National Guard Armory - Rexburg	3,000
3. National Guard Armory - St. Anthony	1,200
4. National Guard Armory - Moscow	2,700
TOTAL	$ 7,900
D. DEPARTMENT OF LANDS:	
1. Area Office - Coolin	$ 3,000
TOTAL	$ 3,000
GRAND TOTAL	$157,500

SECTION 2. The Division of Public Works shall have supervision of roof repairs, coatings, and/or roof replacements at the agencies, departments or offices specified and listed in section 1 hereof, as if the moneys had been appropriated to the Division of Public Works for such purposes.

Passed by House 3/10/76
Passed by Senate 3/16/76
Signed by Governor 3/31/76

IN THE HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 733
BY APPROPRIATIONS COMMITTEE

AN ACT

APPROPRIATING GENERAL FUND SURPLUS MONEYS EXISTING ON JUNE 30, 1976, TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. The balance of any surplus or unexpended and unencumbered balance in the General Fund as of June 30, 1976, not to exceed the amount of $240,000, if available, as determined by the State Auditor, is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho for the Agricultural Research Program to be expended for expansion of the potato breeding facility at Aberdeen.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Passed by House 3/16/76
Passed by Senate 3/19/76
Signed by Governor 4/1/76

IN THE HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 740
BY APPROPRIATIONS COMMITTEE

AN ACT

APPROPRIATING GENERAL FUND SURPLUS MONEYS EXISTING ON JUNE 30, 1976, PRESCRIBING THE AMOUNTS TO BE APPROPRIATED, PRESCRIBING THE AGENCY APPROPRIATED TO, AND PRESCRIBING CERTAIN PURPOSES FOR THE USE OF THE MONEYS; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. The balance of any surplus or unexpended and unencumbered balance in the General Fund as of June 30, 1976, remaining after the appropriation made by House Bill No. 732 and/or House Bill No. 733, Second Regular Session, Forty-third Idaho Legislature, is deducted, as determined by the State Auditor, is hereby appropriated in the following amounts and to the agencies and for the purposes indicated below.

(a) If available, the sum of $770,000, or so much thereof as may be necessary, but not to exceed the unpaid principal amount of the contract price paid for certain endowment lands which have heretofore been and now are utilized as Idaho state parks, as provided by Chapter 190, Laws of 1973, is hereby appropriated to the special endowment land purchase account of the Park and Recreation Fund.

(b) If available after the appropriation made in subparagraph (a), the sum of $157,000, or so much thereof as may be necessary, is hereby appropriated to the Department of Correction to purchase certain lands, described as the south one-half, Section 28, Township 2 North, Range 2 East, Boise Meridian.

(c) If available after the appropriation made in subparagraph (b), the sum of $1,000,000, is hereby appropriated to the Permanent Building Fund.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Passed by House 3/19/76
Passed by Senate 3/19/76
Signed by Governor 4/1/76

IN THE HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 480
BY APPROPRIATIONS COMMITTEE

AN ACT

AMENDING SECTION 3, CHAPTER 115, LAWS OF 1975, RELATING TO THE APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR THE IDAHO STATE HISTORICAL SOCIETY, BY INCREASING THE APPROPRIATION FROM THE GENERAL FUND BY $25,000 AND BY INCREASING THE APPROPRIATION FROM THE STATE HISTORICAL SOCIETY FOUNDATION FUND BY $20,000; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 3, Chapter 115, Laws of 1975, be, and the same is hereby amended to read as follows:

SECTION 3. There is hereby appropriated to the State Board of Education for the functions to be performed by the Idaho State Historical Society, the following amounts to be expended for designated programs, according to expense classes designated therein from the listed funds for the period July 1, 1975, through June 30, 1976:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
A. HISTORICAL PRESERVATION AND EDUCATION PROGRAM:					
FROM:					
General Fund	$ 217,600	~~$ 41,100~~ $ 66,100	$ 7,400		~~$ 266,100~~ $ 291,100
State Historical Society Foundation Fund		54,000	6,600		60,600
Historical Preservation Fund	$ 51,400	17,000			68,400
TOTALS	~~$ 269,000~~	~~$ 112,100~~ $ 137,100	$ 14,000		~~$ 395,100~~ $ 420,100
B. HISTORIC RESTORATION PROJECTS PROGRAM:					
FROM:					
Historical Preservation Fund				$ 96,500	$ 96,500
C. FRANKLIN PIONEER RELIC HALL:					
FROM:					
General Fund		$ 3,000	$ 1,300		$ 4,300
D. HISTORIC SITES MAINTENANCE AND INTERPRETATION PROGRAM:					
FROM:					
General Fund	$ 37,700	$ 22,300			$ 60,000
State Historical Society Foundation Fund	21,900	~~13,000~~ 33,000	44,000		~~78,900~~ 98,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Historical Preservation Fund					
		2,000			2,000
TOTALS	$ 59,000	~~$ 37,300~~	$ 44,000		~~$ 140,900~~
		$ 57,300			$ 160,900
GRAND TOTALS	$ 328,600	~~$ 152,400~~	$ 59,300	$ 96,500	~~$ 636,800~~
		$ 197,400			$ 681,800

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Passed by House 2/6/76
Passed by Senate 2/12/76
Signed by Governor 2/19/76

IN THE HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 529
BY APPROPRIATIONS COMMITTEE

AN ACT

AMENDING SECTION 3, CHAPTER 73, LAWS OF 1975, RELATING TO THE APPROPRIATION TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR DESIGNATED PROGRAMS AT BOISE STATE UNIVERSITY, IDAHO STATE UNIVERSITY, LEWIS-CLARK STATE COLLEGE AND THE UNIVERSITY OF IDAHO, BY INCREASING THE APPROPRIATIONS FROM THE GENERAL FUND BY $79,500, ENDOWMENT FUNDS BY $188,000 AND RECEIPTS TO APPROPRIATION BY $11,500; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 3, Chapter 73, Laws of 1975, be, and the same is hereby amended to read as follows:

SECTION 3. There is hereby appropriated out of the funds enumerated to the State Board of Education and the Board of Regents of the University of Idaho for Boise State University, Idaho State University, Lewis-Clark State College and the University of Idaho the following amounts, to be expended for designated programs for the period July 1, 1975, through June 30, 1976:

FOR:		
General Education Program	~~$49,032,900~~	$49,311,900
FROM:		
General Fund	~~$43,307,900~~	$43,387,400
Federal Endowment Funds	206,600	
State Endowment Funds:		
Lewis-Clark Normal School Income Fund	~~366,400~~	395,000
Idaho State University Income Fund	~~120,800~~	162,700
Idaho State University Teacher Training Fund	~~366,400~~	395,000
University of Idaho Income Fund	~~365,900~~	429,500
Agricultural College Income Fund	~~276,300~~	294,000
School of Science Income Fund	~~821,400~~	829,000
Receipts to Appropriation	~~3,201,200~~	3,212,700
TOTAL	~~$49,032,900~~	$49,311,900

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Passed by House 2/13/76
Passed by Senate 2/19/76
Signed by Governor 3/1/76

IN THE HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 432
BY APPROPRIATIONS COMMITTEE

AN ACT

AMENDING SECTION 2, CHAPTER 68, LAWS OF 1975, TO PROVIDE FOR REVISED APPROPRIATIONS TO THE STATE BOARD OF EDUCATION FOR THE OFFICE OF THE STATE BOARD OF EDUCATION; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 2, Chapter 68, Laws of 1975, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the State Board of Education for the Office of the State Board of Education the following amounts, to be expended for designated programs, according to expense classes designated therein from the listed funds for the period July 1, 1975, through June 30, 1976:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
A. STATE BOARD OF EDUCATION PROGRAM:					
FROM:					
General Fund	$ 48,200	$ 32,000			$ 80,200
B. GENERAL ADMINISTRATION PROGRAM:					
FROM:					
General Fund	$ 45,300	$ 14,900			$ 60,200
C. RESEARCH, PLANNING, SCHOLARSHIPS & POSTSECONDARY EDUCATION PROGRAM:					
FROM					
General Fund	$ 58,600	$ 21,400		$ 73,000	$ 153,000
Idaho State Commission for Higher Education Fund	42,400	10,400		75,000	127,800
TOTAL	$ 101,000	$ 31,800		$ 148,000	$ 280,800
D. CONTINUING EDUCATION, MEDICAL EDUCATION AND CURRICULUM PLANNING PROGRAM:					
FROM:					
General Fund	$ 68,800	$ 21,200		$ 919,200	$1,009,200
Continuing Education Fund	12,500	12,300		120,000	144,800
TOTAL	$ 81,300	$ 33,500		$1,039,200	$1,154,000
E. EDUCATIONAL TELEVISION PROGRAM:					
FROM:					
General Fund	$ 33,800	$ 6,300	$ 2,000	$ 842,000	$ 884,100
Corporation for Public Broadcasting Fund				292,100	292,100
HEW Equipment Grant				234,100	234,100
TOTAL	$ 33,800	$ 6,300	$ 2,000	$1,368,200	$1,410,300

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
F. STATEWIDE EDUCATIONAL PLANNING AND REPORTING PROGRAM:					
FROM:					
General Fund	$ 118,200	$ 133,000	$ 1,500		$ 252,700
Local School District Contributions Fund	~~118,200~~ 127,200	~~133,000~~ 124,000	1,500		252,700
TOTAL	~~$ 236,400~~ $ 245,400	~~$ 266,000~~ $ 257,000	$ 3,000		$ 505,400
GRAND TOTAL	~~$ 546,000~~ $ 555,000	~~$ 384,500~~ $ 375,500	$ 5,000	$2,555,400	$3,490,900

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Passed by House 1/29/76
Passed by Senate 2/5/76
Signed by Governor 2/16/76

IN THE SENATE
SENATE BILL NO. 1545
BY FINANCE COMMITTEE

AN ACT

REAPPROPRIATING THE BALANCE OF THE APPROPRIATION MADE BY ITEM B, SECTION 1, CHAPTER 146, LAWS OF 1975, TO THE PERMANENT BUILDING FUND ADVISORY COUNCIL AND THE DIVISION OF PUBLIC WORKS FOR THE SPECIFIED PURPOSE; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. The balance of the appropriation made by Item B, Section 1, Chapter 146, Laws of 1975, for construction, Library Building, Idaho State University, being approximately the sum of $450,000, is hereby reappropriated to the Permanent Building Fund Advisory Council and the Division of Public Works for furnishings and fixtures for the Library Building at Idaho State University.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Passed by Senate 3/16/76
Passed by House 3/17/76
Signed by Governor 3/31/76

IN THE SENATE
SENATE BILL NO. 1551
BY FINANCE COMMITTEE

AN ACT

REPEALING CHAPTERS 21 AND 44, LAWS OF 1974, RELATING TO THE DISASTER RELIEF FUND; APPROPRIATING MONEYS OUT OF THE FUND ENUMERATED TO THE PERMANENT BUILDING FUND ADVISORY COUNCIL AND THE DIVISION OF PUBLIC WORKS FOR CONSTRUCTION OF PHASE II, SCIENCE EDUCATION BUILDING, BOISE STATE UNIVERSITY; APPROPRIATING MONEYS OUT OF THE FUND ENUMERATED TO THE PERMANENT BUILDING FUND ADVISORY COUNCIL AND THE DIVISION OF PUBLIC WORKS FOR CONSTRUCTION OF ADDITION TO LIBRARY AND ARCHIVES, STATE LIBRARY; APPROPRIATING MONEYS OUT OF THE FUND ENUMERATED TO THE PERMANENT BUILDING FUND ADVISORY COUNCIL AND THE DIVISION OF PUBLIC WORKS FOR PLANNING AND CONSTRUCTION OF CORE BUILDING AND CELL BLOCK WINGS, IDAHO STATE PENITENTIARY; APPROPRIATING MONEYS OUT OF THE FUND ENUMERATED TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR THE SPECIFIED PURPOSE FOR THE NORTHWEST COLLEGE OF VETERINARY MEDICINE PROGRAM FOR THE SPECIFIED PERIOD; APPROPRIATING MONEYS OUT OF THE FUND ENUMERATED TO THE STATE BOARD OF EDUCATION FOR THE SPECIFIED PURPOSE FOR THE STATE GRANTS AND LIBRARY CONSTRUCTION PROGRAM OF THE STATE LIBRARY FOR THE SPECIFIED PERIOD; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Chapters 21 and 44, Laws of 1974, relating to the Disaster Relief Fund, are hereby repealed.

SECTION 2. There is hereby appropriated out of the fund enumerated the following amounts, or so much thereof as may be necessary, to the Permanent Building Fund Advisory Council and the Division of Public Works for the purpose specified in this section.

FOR:
Construction of Phase II, Science Education Building, Boise State University $1,540,300
FROM:
Fiscal Year 1976 General Fund moneys $1,540,300

SECTION 3. There is hereby appropriated out of the fund enumerated the following amount, or so much thereof as may be necessary, to the Permanent Building Fund Advisory Council and the Division of Public Works for the purpose specified in this section.

FOR:
Construction of addition to library and archives, State Library $250,000
FROM:
Fiscal Year 1976 General Fund moneys $250,000

SECTION 4. There is hereby appropriated out of the fund enumerated the following amount, or so much thereof as may be necessary, to the Permanent Building Fund Advisory Council and the Division of Public Works for the purpose specified in this section.

FOR:

Planning and construction of core building and cell block wings, Idaho State Penitentiary $100,000

FROM:

Fiscal Year 1976 General Fund moneys $100,000

SECTION 5. There is hereby appropriated out of the fund enumerated the following amount, or so much thereof as may be necessary, to the State Board of Education and the Board of Regents of the University of Idaho, to be expended for the specified purpose for the Northwest College of Veterinary Medicine Program, for the period from the effective date of this act through June 30, 1977.

FOR:

Equipment for Veterinary Science Building, Caldwell $100,000

FROM:

Fiscal Year 1976 General Fund moneys $100,000

SECTION 6. There is hereby appropriated out of the fund enumerated the following amount, or so much thereof as may be necessary, to the State Board of Education, to be expended for the specified purpose for the State Grants and Library Construction Program of the State Library, for the period from the effective date of this act through June 30, 1977.

FOR:

Grants to local public libraries for construction $50,000

FROM:

Fiscal Year 1976 General Fund moneys $50,000

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Passed by Senate 3/19/76
Passed by House 3/19/76
Signed by Governor 4/1/76

IN THE HOUSE OF REPRESENTATIVES
HOUSE CONCURRENT RESOLUTION NO. 53
BY REVENUE AND TAXATION COMMITTEE

A CONCURRENT RESOLUTION

ADOPTING FINDINGS OF A JOINT COMMITTEE ON REVENUE PROJECTIONS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature appointed a joint committee of the House of Representatives and the Senate to study the revenue available to the state for the 1976 fiscal year, and to consult with experts in all fields in order to present the most complete information available; and

WHEREAS, it is the desire of the Legislature to adopt the findings of this committee as to the total surplus available.

NOW, THEREFORE, BE IT RESOLVED by the Second Regular Session of the Forty-third Legislature, the House of Representatives and the Senate concurring, that we find the following calculations to provide a factual representation of the total surplus available as of June 30, 1976.

Beginning Balance FY 1976	$ -0-
Add anticipated Revenue FY 1976	232,620,000
Total Available	$232,620,000
Deduct Amount Appropriated	222,627,300
General Fund Surplus, June 30, 1976	$ 9,992,700*

* Does not consider reversion of $1 million balance in the Disaster Relief Fund which will revert to the General Fund as of June 30, 1976. This amount may be available for use in fiscal 1977.

Adopted by House 1/29/76
Adopted by Senate 2/9/76

IN THE HOUSE OF REPRESENTATIVES
HOUSE CONCURRENT RESOLUTION NO. 54
BY REVENUE AND TAXATION COMMITTEE

A CONCURRENT RESOLUTION

ADOPTING FINDINGS OF A JOINT COMMITTEE ON REVENUE PROJECTIONS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature appointed a joint committee of the House of Representatives and the Senate to study the revenue available to the state for the 1977 fiscal year, and to consult with experts in all fields in order to present the most complete information available; and

WHEREAS, it is the desire of the Legislature to adopt the findings of this committee as to the revenue projections in order to facilitate the appropriations process.

NOW, THEREFORE, BE IT RESOLVED by the Second Regular Session of the Forty-third Idaho Legislature, the House of Representatives and the Senate concurring, that we find the following calculations to provide a factual representation of the revenue available from the general fund for appropriation in the 1976-77 fiscal year.

Revenue Projections for 1976-77 fiscal year:

Supreme Court/Magistrates	$ 1,400,000
Secretary of State	1,175,000
State Treasurer	7,750,000
Department of Agriculture	85,000
Department of Finance	370,000
Department of Insurance	9,000,000
Department of Lands	100,000
Department of Law Enforcement	600,000
Department of Revenue:	
Individual Income Tax	122,300,000
Corporate Income Tax	29,500,000
Kilowatt Hour Tax	400,000
Beer Tax	2,250,000
Mine License Tax	400,000
Wine Tax	500,000
Cigarette Tax	6,900,000
Miscellaneous Agencies	53,000
Transfers:	
Miscellaneous	450,000
Liquor	3,275,000
Sales Tax	65,500,000
Total Fiscal Year 1976-77 Revenue Projection	$252,008,000

Adopted by House 1/29/76
Adopted by Senate 2/9/76

IN THE SENATE
SENATE CONCURRENT RESOLUTION NO. 128
BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION
REJECTING CERTAIN RULES OF THE IDAHO PERSONNEL COMMISSION AUTHORIZING OR RECOGNIZING EDUCATIONAL LEAVE WITH PAY.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature may, by resolution, reject, amend or modify rules and regulations of executive agencies under Section 67-5218, Idaho Code; and

WHEREAS, it is the sense of the Legislature that educational leave with pay should not be authorized for state employees.

NOW, THEREFORE, BE IT RESOLVED by the Second Regular Session of the Forty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that the following rules and regulations of the Idaho Personnel Commission are hereby rejected and declared null and void: 26-1.8, 27-1.6 and 28-2.1.

Adopted by Senate 2/16/76
Adopted by House 3/11/76

IN THE SENATE
SENATE CONCURRENT RESOLUTION NO. 129
BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION
APPROVING THE EXPENDITURE OF GENERAL FUND AND DEDICATED FUND REVENUES TO IMPLEMENT AN ADJUSTMENT IN THE STATE CONTRIBUTION TO THE STATE EMPLOYEES' GROUP HEALTH INSURANCE PLAN; DIRECTING THE JOINT FINANCE-APPROPRIATIONS COMMITTEE TO PREPARE AND INTRODUCE THE APPROPRIATE LEGISLATION TO ACCOMPLISH THE OBJECTIVE OF THIS RESOLUTION.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, it is declared to be legislative intent that rates of state contribution to the state employees' group health insurance program should be restored to rates existing in the past and adjusted to a level consistent with prevailing practices in industry and government within Idaho, and

WHEREAS, it is declared to be legislative intent that the state assume the major responsibility for providing adequate employee health insurance protection so that medical problems, costs, worries, and frustrations are not brought to the work place where they can interrupt productivity and the services provided the taxpayers, and

WHEREAS, a recent Department of Administration survey reveals that seventy per cent of the major Idaho employers pay the full cost of health insurance protection for an employee alone and fifty-six per cent of those surveyed pay the full cost for the employee and his or her dependents and

WHEREAS, the current state contribution to employee health insurance lags far behind prevailing practices, and

WHEREAS, the Legislature is aware of the burden currently imposed on the taxpayers of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED by the Second Regular Session of the Forty-third Idaho Legislature, the House of Representatives and Senate concurring therein that effective July 1, 1976, the state contribution to the employee health insurance plan shall be adjusted to a level sufficient to pay the entire cost for each state employee and maintain the employees cost for the family at $30.32 per month on a health insurance plan comparable to the current Plan I and that the sum of $2,161,000 be appropriated in fiscal year 1976-77 from the General Fund, together with such adjustments or appropriations from dedicated or other funds, as may be necessary, and

BE IT FURTHER RESOLVED, that the Joint Finance-Appropriations Committee prepare and introduce the appropriate legislation to accomplish the objective of this resolution.

Adopted by Senate 2/18/76
Adopted by House 3/2/76

IN THE HOUSE OF REPRESENTATIVES
HOUSE JOINT MEMORIAL NO. 17
BY HEALTH AND WELFARE COMMITTEE

A JOINT MEMORIAL

TO THE HONORABLE PRESIDENT OF THE UNITED STATES GERALD R. FORD, THE HONORABLE SECRETARY OF THE TREASURY WILLIAM E. SIMON, THE HONORABLE COMMISSIONER OF THE INTERNAL REVENUE SERVICE DONALD R. ALEXANDER, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES, REPRESENTATIVE AL ULLMAN, CHAIRMAN OF THE HOUSE WAYS AND MEANS COMMITTEE, THE PRESIDING OFFICERS OF THE LEGISLATURES OF OUR SISTER STATES AND THE SENATORS AND REPRESENTATIVES REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and Senate of the State of Idaho assembled in the Second Regular Session of the Forty-third Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Congress of the United States, in the enactment of the Employee Retirement Income Security Act of 1974, encouraged the means for persons not otherwise covered by retirement savings programs to provide such a program on their own behalf with appropriate deferral of income tax liability by creation of the individual retirement account; and

WHEREAS, this excludes from its provisions persons who are nominal participants in government sponsored plans, thus imposing an inequitable and hardship situation upon this group; and

WHEREAS, the Public Employee Retirement System of Idaho operates as a qualified plan under provisions of section 401(a) of the Internal Revenue Code, and such qualification prohibits discriminatory practices among participants of the system; and

WHEREAS, a variety of special district, city, county and state elected and appointed officials in the State of Idaho receive only minimal compensation and retirement benefits for their public service; and

WHEREAS, several hundred Idaho officials were compensated for public service in amounts ranging from $10 to $1000 in fiscal year 1975, yet such public service requires mandatory membership in the Public Employee Retirement System of Idaho; and

WHEREAS, similar circumstances no doubt prevail in other states; and

WHEREAS, this limitation of the Employee Retirement Income Security Act results in an absolute prohibition

against participation in any individual retirement savings program by persons covered by public programs, thus denying them the opportunity afforded other citizens to establish an individual retirement account.

NOW, THEREFORE, BE IT RESOLVED by the Second Regular Session of the Forty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge consideration and adoption by Congress of the necessary amendments to federal law to implement a provision to allow a determination of the proportion of income from covered employment and permit an individual retirement account in that proportion of the salary not covered by a retirement program.

BE IT FURTHER RESOLVED that the Clerk of the House of Representatives be, and he is hereby authorized and directed to forward copies of this Memorial to the Honorable President of the United States Gerald R. Ford, the Honorable William E. Simon, Secretary of the Treasury, the Honorable Donald R. Alexander, commissioner of the Internal Revenue Service, President of the Senate and Speaker of the House of Representatives of the Congress of the United States, Representative Al Ullman, Chairman of the House Ways and Means Committee, the presiding officers of the legislatures of our sister states and the Senators and Representatives representing the State of Idaho in the Congress of the United States.

Adopted by House 2/18/76
Adopted by Senate 3/5/76

January 28, 1976

C O P Y

Mr. Tom Vopat
Superintendent of Schools
Orofino Joint School District 171
Orofino, Idaho

Mr. Alan Smith
Executive Secretary
Idaho School Boards Association
Idaho Building
Boise, Idaho

Gentlemen:

As chairman of the Senate, Health Education and Welfare Committee, I am instructed to write you concerning the consideration of RS 806 which modifies Section 33-107 of the Idaho Code. This was presented as a proposed bill by Roy Truby, State Superintendent of Public Instruction. A copy of the wording of paragraph 5 is as follows:

through its executive departments and offices;

(a) enforce the school laws of the state,

(b) withhold funds from any school district willfully failing to comply with school laws; in an amount not to exceed one hundred dollars ($100) per day for each day the district is not in compliance with said law.

The Committee has received reports that the financial statements required by law are not being published. The Committee also received word that the financial material for the 650 reports was received late by the Department which delayed the preparation of the 650 reports. We also call your attention to the fact that reports are required by statute regarding handicapped, retarded and gifted children programs. This report did reach the legislature on time. Finally, we received word there has not been compliance with the judicial decision regarding the reapportionment of trustee zones.

The Committee felt that RS 806 was perhaps too harsh, particularly in view of the assurances of representatives of the trustee organization and superintendents organization that these matters would be carried out.

If in another session of the legislature, the State Superintendent or the State Board report that there's a failure of compliance of legal reports, then I believe the legislature will seriously consider such a law as was proposed the other day. Will you please forward this letter to all state boards and all superintendents in our public school districts in Idaho.

Sincerely yours,

John M. Barker

JMB/jh

I D A H O S T A T E S E N A T E
Capitol Building
Boise

February 24, 1976

C O P Y

Dr. Roy Truby
State Superintendent
of Public Instruction
Boise, Idaho

Dear Roy,

We have had Senate Bill 1390, Testing for Basic Skills, before the Senate Health, Education and Welfare Committee. We have considered the report of the ad hoc committee on Basic Skills and feel that the report failed to cover all schools and was therefore incomplete.

I presented an amendment which would have made the purpose of the Act "to provide information to help improve instruction rather than to presume blame from test result comparisons".

I also had prepared an amendment asking that we have a sampling of school districts rather than a complete testing of all 115 school districts.

The unanimous opinion of the HEW Committee was that I should write you stating that we did not intend to refer S 1390 to the floor for debate; but rather, ask that you conduct a random sampling of school districts to try to find out what is now being done in terms of basic skills. Then, we would like to have you report back to the next session of the Legislature with your findings so that some very positive action could be taken if it was felt necessary.

If you need further clarification of the intent of this Committee, please contact me. A copy of this letter is being sent to Alan Smith with the request that he send it on to all school districts in Idaho.

Sincerely yours,

/s/ John M. Barker

John M. Barker, Chairman

JMB/jh
cc: Alan Smith